



**Administration for Community Living**

Administration on Aging

Model Approaches to Statewide Legal Assistance Systems - Phase II

HHS-2013-ACL-AOA-LE-0044

Application Due Date: 05/28/2013

Model Approaches to Statewide Legal Assistance Systems - Phase II

HHS-2013-ACL-AOA-LE-0044

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**Department of Health & Human Services  
Administration for Community Living**

**Program Office:** Administration on Aging  
**Funding Opportunity Title:** Model Approaches to Statewide Legal Assistance Systems - Phase II  
**Announcement Type:** Modification  
**Funding Opportunity Number:** HHS-2013-ACL-AOA-LE-0044  
**Primary CFDA Number:** 93.048  
**Due Date for Applications:** 05/28/2013

### **Executive Summary**

With this Funding Opportunity Announcement (FOA), Model Approaches to Statewide Legal Assistance Systems - Phase II (Model Approaches - Phase II), the Administration for Community Living (ACL) continues and expands its support for state leadership efforts in implementing well integrated and cost effective legal service delivery systems that maximize the impact of limited legal resources targeted to older adults in greatest need. The ultimate goal of this grant is to promote and support the continued evolution of legal service delivery systems created through Model Approaches to Statewide Legal Assistance Systems - Phase I (Model Approaches - Phase I) towards higher levels of capacity, performance, and service delivery impact. Model Approaches - Phase II will move statewide legal service delivery systems towards greater accessibility for older adults presenting “priority” legal issues; seamless systemic integration of vital low cost legal service delivery mechanisms; precise targeting and outreach to older adults in the greatest social or economic need; improved responsiveness to legal issues that emerge from elder abuse, neglect, and financial exploitation; expanded knowledge and expertise of aging and legal service providers; implementation of legal service delivery standards/guidelines, and measurable legal program results that demonstrate a tangible impact on the independence, health, and financial security of older adults.

ACL plans to award approximately six (6) cooperative agreements to support eligible states in intensified efforts to create and sustain legal service delivery systems that are optimally responsive to priority legal issues impacting older adults most in need. The awards will be cooperative agreements requiring close cooperation between ACL and project grantees. Each cooperative agreement will be funded at a federal share of approximately \$178,500 per year for a project period of three years, contingent upon the availability of federal funds and satisfactory performance.

Through this FOA, states previously involved in Model Approaches - Phase I are asked to present proposals to fully implement sustainable legal service delivery systems that demonstrate significant innovations in addressing priority legal issues impacting older

adults most in need. Therefore, the 31 states that have previously received Model Approaches - Phase I funding, either through state units on aging or other eligible entities, **will be eligible** to apply under this FOA. The thirty one **(31) eligible states are:** Alabama, Alaska, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, and West Virginia.

**Within an eligible state**, proposals in response to this FOA will be accepted from the entity that currently houses the State Legal Assistance Developer (LAD).

Each proposal must contain a detailed plan for direct and ongoing leadership involvement of the LAD in the design, implementation, evaluation, and sustainability of the Model Approaches - Phase II legal service delivery system. Further, each proposal must contain a detailed plan for ongoing collaboration between the LAD and key partners and stakeholders involved in all aspects of project design, implementation, evaluation, and sustainability.

Interested applicants should make note of the following interactive teleconference, scheduled for April 16th, 2013, during which time applicants will have the opportunity to have questions answered.

**Teleconference for Applicants:**

**Date:** April 16th, 2013

**Time:** 2:00 PM Eastern

**Telephone Number:** 888-942-9717

**Participant Passcode:** MAPHASE2

## **I. Funding Opportunity Description**

### **Statutory Authority**

The statutory authority for grants under this FOA is contained in Title IV of the Older Americans Act (OAA) (42U.S.C. 3032), as amended by the Older Americans Act Amendments of 2006, P.L. 109-365. (Catalog of Federal Domestic Assistance 93.048, Title IV Discretionary Projects).

### **Description**

#### **A. Background - Model Approaches - Phase I**

It is well established that ACL legal assistance programs funded under the OAA have a long history of empowering older adults to remain independent, healthy, and financially secure within their homes and communities. Legal programs are a priority service under the OAA and are essential in assisting older adults address a wide range of challenges involving income security, housing, health care, consumer protection, guardianship, elder abuse/neglect, and financial exploitation. Legal assistance and elder rights programs also

work in close conjunction with other core ACL programs and services (e.g. in-home services, family caregiver support, nutrition, transportation, etc.) designed to maximize the independence of older adults in home and community based settings.

Aging and legal networks have long faced the reality that the demand for legal assistance on priority issues impacting older adults exceeds the existing supply of available legal services. Difficult economic circumstances that emerged in 2008 have dramatically intensified the scope and complexity of legal problems faced by older consumers and the legal providers who serve them. Research conducted by the ABA's Commission on Law and Aging in 2010 estimated that the current available legal assistance to low-income older adults meets less than one-quarter of the estimated need for legal service on priority legal issues. In addition, a study conducted by LSC in 2009 [\[1\]](#) showed that for every client served by an LSC-funded program, one person who seeks help is turned down because of insufficient resources. Both the ABA's research efforts and LSC's *Documenting the Justice Gap in America* study illustrate that existing legal service delivery capacity across the country is inadequate to meet the current identified legal needs of persons who require those services the most.

Future aging demographics will only drive the demand for legal services higher and strain limited resources even further. The older population age 65+ will be increasing rapidly from 40 million in 2010 to 55 million in 2020. Minority populations will also increase from 8.1 million in 2010 to 13.1 million in 2020. Significantly, the 85+ population is projected to increase from 5.5 million in 2010 to 6.6 million in 2020, creating a greater need to assist older adults experiencing dementia, Alzheimer's disease, and other conditions leading to diminished capacity. Hence, these projections show that demographic pressures will intensify the need for legal assistance on priority issues impacting older persons within key OAA designated target populations.

Experience within aging and legal networks indicates that the most effective response to challenges presented by the current and future service delivery environment is the comprehensive nationwide implementation of legal service delivery systems that are well integrated, cost effective, and targeted with precision to older adults in the most social or economic need. Such legal service delivery systems must have sufficient leadership, knowledge and service delivery capacity to provide optimal assistance on critical problems facing older adults in a service delivery climate of increasing demand and dwindling supply. ACL has recognized through its Model Approaches initiative the critical need to support the creation of efficient and effective legal service delivery systems that are optimally accessible and responsive even in the most difficult of economic and fiscal circumstances.

In 2006, 2007, 2009, and 2010, AoA funded a series of Model Approaches - Phase I demonstration grants designed to strategically accomplish a series of legal systems enhancement and capacity building objectives. Those objectives included:

- The assembly of key partners/stakeholders/collaborators to help build model legal service delivery systems and maintain their sustainability beyond ACL funding.
- The gathering of information on the legal needs of older persons in social and economic need, as well as the capacity of current legal delivery systems to meet the most critical legal needs, in order to guide the development of model legal service delivery systems.

- The development of model legal services delivery systems, including the application of the necessary tools to help support and sustain the system and its vital components, especially Senior Legal Helplines (SLHs).
- The establishment of outreach and other mechanisms to help ensure that limited legal resources are effectively targeted to those older adults in greatest social or economic need, and are focused on their most critical/priority legal needs.
- The building of support and understanding among key partners/stakeholders of: (1) the importance of strong state leadership provided through LADs; (2) the importance of gathering ongoing input from stakeholders to guide the growth and evolution of the legal service delivery system; and (3) the importance of working toward sustaining the delivery system and all its vital components.

All these objectives were directed toward the overall strategic goal of creating well integrated and cost effective legal service delivery systems that precisely target scarce resources to older adults in the most social or economic need. To date, 31 states have participated in Model Approaches - Phase I and have obtained significant levels of success in achieving the strategic goal and associated objectives. Those states are:

- In 2006, AoA awarded cooperative agreements to Alabama, Idaho, Iowa, Maryland, North Dakota, and Virginia;
- In 2007, AoA awarded cooperative agreements to Connecticut, Florida, Kentucky Michigan, Nevada, New Hampshire, and Pennsylvania;
- In 2009, AoA awarded cooperative agreements to California, Louisiana, Maine, Missouri, Nebraska, North Carolina, Ohio, Rhode Island, South Carolina, Utah, and Vermont;
- In 2010, AoA awarded cooperative agreements to Alaska, Delaware, Georgia, Massachusetts, Texas, West Virginia, and the District of Columbia

All of the states involved in Model Approaches - Phase I sought to address the nationwide challenge of fragmented and inefficient legal service delivery systems that often fail to achieve optimal access to quality service for older adults most in need. With the primary goal of addressing these systemic challenges, Model Approaches - Phase I featured strong leadership at the state level to achieve its service delivery enhancement goal and objectives. In 2006 and 2007, State Legal Assistance Developers (LADs) took the lead in incorporating the use of SLHs and other low-cost mechanisms (e.g. pro-bono volunteer lawyers, laws schools clinics, reduced fee panels and self help resources) into the structure of state legal and aging service delivery systems. By promoting the seamless integration of these vital legal service delivery components into the broader aging services network, Model Approaches - Phase I achieved enhanced access to quality legal assistance on critical legal issues impacting under-served and hard to reach older adult populations. Many Model Approaches states also demonstrated high levels of progress in the use of innovative outreach and targeting strategies, the development of uniform service delivery standards/guidelines, and the creation of statewide legal data collection and reporting systems.

All Model Approaches - Phase I demonstration projects were unique in their ultimate design, implementation, and sustainability due to “state by state” variations in pre-existing legal and aging service delivery infrastructures, funding sources, administrative structures,

and stakeholder interests. However, all the projects shared essential features that were integral to achieving the overall legal service delivery systems enhancement objectives of the Model Approaches initiative. Those essential project features illustrated in Model Approaches - Phase I included:

**Leadership of LAD:** Model Approaches - Phase I capitalized on the leadership role of the LAD in helping to achieve model legal service delivery systems on a statewide basis. In collaboration with key partners, stakeholders, and others as appropriate, the LADs were involved in the planning and implementation of activities throughout the project, including the development of tools designed to support and sustain model legal service delivery systems beyond the project period. In various states and to varying degrees, the LADs: (1) involved direct stakeholder input into the state legal service delivery planning process; (2) assisted in the planning and completion of legal needs and delivery systems capacity assessments; (3) facilitated training opportunities and inter-agency collaborations between stakeholders in aging and legal networks; (4) helped to strategize and implement outreach activities designed to reach under-served populations; (5) facilitated the development of statewide legal service delivery standards; and (6) led the creation of statewide data collection and legal reporting systems. Project success and sustainability beyond the grant period in many states were largely dependent on adequate program planning and development of support through the LAD.

**Assessment of Legal Needs and Capacity:** Model Approaches - Phase I used the results of legal needs assessments and (in some instances) systems capacity assessments to guide the planning and implementation of well integrated, cost effective, and targeted legal service delivery systems designed to address priority legal issues impacting older adults most in need. Through this comprehensive assessment process, legal service delivery gaps were identified and addressed in a systematic fashion through specific project activities and formal recommendations appearing in legal needs and/or capacity reports. A majority of the needs assessments under Model Approaches- Phase I were completed with varying levels of involvement from academic institutions, SLHs, LADs, and other legal services entities. Various approaches to legal needs assessments were employed by the Model Approaches states in their efforts to accurately identify the priority legal issues impacting target populations. As a result, a high degree of quality legal needs information regarding populations in the most social and economic need now exists from 31 states. The data gathered through these efforts has helped guide the strategic development and implementation of model legal service delivery systems across the country. A list of legal needs assessments completed in Model Approaches - Phase I can be found at:

[http://www.legalhotlines.org/legal\\_needs.php](http://www.legalhotlines.org/legal_needs.php)

**Integration of Low Cost Mechanisms:** Model Approaches - Phase I sought to achieve the seamless integration of all vital components of legal service delivery systems, including the incorporation of low cost mechanisms such as SLHs, private bar pro-bono volunteer attorneys, law school clinics, reduced fee panels, and self-help sites into the broader Title III-B funded legal services network.

- *Senior Legal Helplines:* One of the key purposes of Model Approaches - Phase I was to position SLHs as essential low cost components of high quality and high impact legal service delivery systems. SLHs included in Model Approaches projects served

residents over age 60 from all parts of a given state and demonstrated the capacity to provide legal advice to eligible callers presenting various legal challenges. In 2010, SLHs within Model Approaches - Phase I projects assisted 43,337 older consumers in social or economic need on a wide range of priority legal issues related to public benefits, health care, housing, advance planning, and consumer protection. The SLHs provided legal advice, and additional legal services (as appropriate) at the average cost of only \$76.70 per case. Through effective targeting and outreach efforts, SLHs in Model Approaches - Phase I projects were successful in reaching low income populations with 69% of older clients falling below 150% of the federal poverty guidelines. In addition, minority clients receiving assistance through the SLHs in 2010 constituted 30% of all clients served. These figures illustrate the effectiveness of Model Approaches - Phase I states in reaching key target populations under the OAA with much needed “priority” legal assistance. Significantly, many Model Approaches states also positioned their SLHs to be responsive to legal issues emerging from cases of financial abuse impacting older adults. These SLHs maximized impact from limited resources by directing part of their low costs services to older adults who were experiencing various forms of financial exploitation. Through these efforts, many older clients were able to use information, advice, and brief services to protect their independence and financial security. For older clients requiring more extensive assistance, effective protocols of referral were developed linking clients to full legal representation to resolve more complex legal issues related to elder abuse and financial exploitation.

- *Pro-Bono Volunteer Attorneys:* Many Model Approaches - Phase I projects featured concerted efforts to enhance legal service delivery capacity through the intensification of pro-bono volunteer attorney involvement in the direct provision of service on important legal issues. Many projects included pro-bono volunteer resources leveraged through LSC volunteer recruitment efforts, private bar volunteer lawyers associations, retired senior volunteer “emeritus programs,” and other independent volunteer lawyer recruitment initiatives. Pro-bono volunteers enhanced systems capacity by providing legal assistance on diverse issues such as estate planning, wills, advance directives (e.g. powers of attorney/living wills), public benefits eligibility and appeals, housing access and foreclosure defense, guardianship, consumer protection, and financial exploitation. Some of the attorney volunteers involved in Model Approaches projects provided direct service to older adults with disabilities in their own homes, institutional care facilities, assisted living settings, and senior centers.
- *Law School Clinics:* Many Model Approaches - Phase I projects featured the important involvement of law school elder law clinics, with law students providing legal assistance (under the supervision of licensed attorneys) related to important legal issues involving public benefits eligibility and appeals, housing access, consumer protection, advance directives, domestic violence, financial exploitation, adult guardianship, and various family law issues. Many Model Approaches projects pro-actively reached out to law schools in order to determine available levels of support and to discuss an expansion of focus on legal issues impacting older adults. It was found that many law schools are incorporating courses in elder law into their



curricula, so it is likely that the pool of potential law student volunteers interested in serving older adults may continue to grow across the country.

- *Reduced Fee Panels:* Many Model Approaches - Phase I projects featured the use of reduced fee panels that provide legal services to older adults who are above the income and asset guidelines for legal aid programs. Model Approaches projects using reduced fee panels as a low cost mechanism contracted with private attorneys to accept referrals on specified types of legal issues at a reduced hourly rate, a fixed amount for certain routine services such as a simple will or power of attorney, or agreed upon contingency fee. Such programs not only provided critical legal services to needy older adults who could not otherwise afford an attorney, but some also generated a modest amount of income for the primary legal provider to cover overhead costs.
- *Self-help Resources:* Many Model Approaches - Phase I projects featured the promotion of a diverse array of self-help resources including computer terminals for walk-in users to access user friendly websites, standardized legal form templates for advanced directives, legal forms to aid in self-representation, and computerized public benefits application forms. Model Approaches projects have sought to identify the full range of self-help resources in a given state and coordinate these resources to ensure they are properly leveraged by legal providers and older adults who are capable of putting the information to use.

**Targeting and Outreach:** Model Approaches - Phase I promoted and advanced innovative outreach strategies and targeting techniques to reach isolated and under-served populations within a state. The requirement to target limited OAA resources to older adults in greatest social and economic is included in the Title I definition of Legal Assistance and in the description of demonstration projects funded under Title IV. Model Approaches - Phase I projects explored methods of targeting without means testing by establishing priority legal issue areas reflecting the most critical legal needs of target populations and giving priority to those issues when handling cases with limited OAA resources. Several Model Approaches - Phase I projects demonstrated highly effective targeting and outreach strategies for identifying, reaching and serving needy and hard-to-reach populations. In various states, outreach efforts included the distribution of informational materials to traditional and non-traditional access points (e.g. senior centers, nursing homes, assisted living facilities, subsidized housing complexes, physicians offices); the deployment of attorneys to strategic sites to conduct intake and provide direct service; and the use of GIS mapping technology to plot locations of under-served seniors and the targeting of those areas for community outreach events and on-site intake. In addition, these outreach efforts included a strong interface with existing and concurrent aging services delivery outreach activities conducted through Area Agency on Aging (AAA) Aging and Disability Resource Centers (ADRCs) networks.

**Linkages with Aging/Disability and Elder Rights Networks:** Model Approaches - Phase I promoted and advanced greater coordination and collaboration between legal service providers and professionals in community-based aging and elder rights networks such as AAAs, ADRCs, Benefits Enrollment Centers (BECs), State Health Insurance Programs (SHIP), State Medicaid fraud units, Offices of Attorneys General (Consumer Protection

divisions), state long-term care ombudsmen (LTC Ombudsman), Adult Protective Services (APS), and other entities involved in protecting the essential rights and benefits of older adults. All Model Approaches projects convened advisory groups that invited the participation of community-based aging/disability and elder rights entities to provide input into the planning and implementation of essential project objectives.

In several Model Approaches states, substantive law and legal issue recognition training was conducted between legal and aging personnel, including Title III-B legal providers, SLHs staff, pro-bono and law student volunteers, and AAAs/ADRC Information and Assistance (I&A) program staff. Notable progress was also made in the training of financial institutions on the effective identification and response to financial exploitation involving older adults. These training activities undertaken as part of Model Approaches served to refine the accuracy and precision of referral protocols between providers and solidified working relationships between legal and aging/disability service networks in responding to critical elder rights issues.

Many Model Approaches - Phase I projects have also featured a close interface with APS and LTC Ombudsman programs as legal assistance providers sought to prevent and address the harmful consequences of elder abuse and financial exploitation. In most states, APS providers and LTC Ombudsmen served on advisory groups and task forces convened to address aspects of project planning, implementation, evaluation, and sustainability. Several Model Approaches participants cited significant resources allocated to responding to legal issues presented by APS and LTC Ombudsman clients, including guardianship issues, misuse of powers of attorney, illegal facility discharge issues, care transition issues, asset recovery, civil protection orders, divorce, undue influence, and voidable contract and property transactions. Training between AAA/ADRCs, Title III-B providers, SLHs, APS, and LTC Ombudsman addressed these elder abuse related legal issues in order to enhance collaborative responses involving victims of elder abuse, neglect, and financial exploitation.

**Legal Service Delivery Standards and Data Collection:** Model Approaches - Phase I encouraged the development of legal service delivery standards and uniform data collection/reporting systems in order to promote quality and consistent statewide legal service delivery and measure legal program impact on the lives of older persons in greatest need. The creation of legal standards and data collection/reporting systems represent a high level of sophistication in state efforts to formalize and sustain efficient and effective legal service delivery systems. Model Approaches states have achieved varying levels of progress in the development and implementation of legal standards and reporting systems that collect meaningful program outcomes data.

**Legal Responses to Elder Abuse, Neglect, and Financial Exploitation:** As illustrated by several Model Approaches - Phase I projects, legal assistance providers are often at the forefront of preventing and addressing the harmful consequences of elder abuse, neglect, and financial exploitation. With the rapidly increasing aging population and adverse economic conditions creating unique demands on existing service delivery systems, the need for aging/legal services providers and elder abuse prevention/response networks to work cohesively together to protect the rights of older persons is more critical than ever before.

Significant progress in legal delivery systems enhancement made through Model Approaches - Phase I has created an ideal platform to intensify and focus efforts in the area of elder abuse prevention and response. For example, SLHs in several Model Approaches states have shown that they can serve a greater role in addressing legal issues arising from cases of elder financial abuse. These SLHs are also beginning to collaborate more effectively with financial institutions, APS, and full service legal providers in resolving cases presenting elder abuse issues. In addition, other low cost mechanisms advanced under Model Approaches - Phase I have demonstrated their value in addressing elder financial exploitation, including pro-bono volunteer attorneys, elder law clinics, and self help resources.

Given the enormous potential to assist older victims of elder abuse, neglect, and financial exploitation, Model Approaches - Phase I has shown that legal programs are well positioned to play a more active role in combating this problem of growing national scope.

Considering the complexity of elder abuse cases, legal service programs should be key stakeholders in state and local initiatives to address the problem. All vital components of legal service delivery systems should be carefully assessed and calibrated to more effectively respond to legal issues emerging from cases of elder abuse, neglect, and financial exploitation. Legal providers should also be supported in their efforts to educate other advocates about legal remedies/options and strengthening their collaborative relationships with other agencies that serve at risk elders.

In summary, the legal assistance provided through well integrated and cost-effective service delivery systems as demonstrated through the Model Approaches - Phase I grant initiative has beneficially impacted the ability of older adults to remain independent, healthy, and financially secure in their homes and communities. Aging service and legal service professionals and advocates came together and implemented important innovations that improved service delivery on critical legal issues impacting seniors in the most social or economic need. Important service delivery infrastructure was implemented across the country that truly defines efficient and effective legal service delivery systems. Yet significant challenges remain in providing older adults with critical legal assistance in many difficult problem areas. It is therefore important that states build upon success achieved in Model Approaches - Phase I, and take their systems to the next level of enhanced legal service delivery.

## **B. Model Approaches- Phase II - Goal and Objectives**

Since 2006, Model Approaches projects have made significant progress in the creation of high impact legal service delivery systems that are well-integrated and targeted with precision to older adults most in need. The implementation of the Model Approaches systems enhancement paradigm has proven effective in improving the delivery of legal services to older adults across the country and has helped preserve their independence, health, and financial security. Aging and legal networks are therefore well prepared for the next phase in the evolution of statewide legal service delivery systems: Model Approaches - Phase II.

The purpose of Model Approaches - Phase II is to build upon the significant legal service delivery systems enhancements previously achieved under Model Approaches - Phase I in the areas of: (1) leadership provided by LADs in legal service delivery systems design,

implementation, evaluation, and project sustainability; (2) statewide legal needs and capacity assessment informing/guiding statewide legal service delivery planning; (2) seamless integration and use of low cost service delivery mechanisms in addressing priority legal issues; (3) application of effective outreach and targeting strategies/techniques to reach older adults most in need; (4) development of statewide legal service delivery standards/guidelines; (5) development of statewide legal data collection and reporting systems; (6) intensification of statewide training focused on priority legal issues; and (7) outcome measurement of beneficial legal program impact on the independence, health, and financial security of older adults.

**In addition, the objectives advanced under Model Approaches - Phase II will promote the creation of well integrated and cost effective legal service delivery systems that are optimally responsive to complex legal issues emerging from cases of elder abuse, neglect, and financial exploitation.**

Activities undertaken through this grant opportunity are intended to promote the following Goal and Objectives:

**Goal: Creation of a Model Approaches - Phase II Legal Service Delivery System.**

Grantees will lead the continued evolution of legal service delivery systems implemented under Model Approaches- Phase I towards Model Approaches- Phase II legal service delivery systems that promote enhanced levels of overall legal service accessibility and capacity to address “priority” legal issues; seamless systemic integration of vital low cost legal service delivery mechanisms; precision in the targeting/outreach of older adults in the greatest social or economic need; responsiveness to legal issues emerging from elder abuse, neglect, and financial exploitation; expanded knowledge and expertise of aging and legal service providers; implementation of legal service delivery standards/guidelines; and measurable legal program results that demonstrate a tangible impact on the independence, health, and financial security of older adults.

**Project Objectives:** To achieve the stated Goal, the approach and activities under this grant opportunity will be designed to advance the following Model Approaches - Phase II objectives, under the leadership of the LAD:

- Assess the capacity of the current legal service delivery system to meet identified “priority” legal challenges impacting older adults in the most social or economic need and develop recommendations to address systemic weaknesses.
- Develop and sustain a legal service delivery system that effectively integrates low cost service delivery mechanisms that are optimally responsive to priority legal issues under the OAA, including legal issues related to elder abuse, neglect, and financial exploitation.
- Develop innovative outreach and targeting strategies/techniques designed to identify and serve the most under-served and hard-to-reach older adults.
- Develop and fully implement statewide legal service delivery standards/guidelines that ensure consistent high quality/high impact legal service delivery to older adults in the most social or economic need.
- Complete a framework for the development of a statewide legal data collection and

reporting system that measures program outcomes and demonstrates the beneficial impact legal services have on the independence, health, and financial security of older adults.

- Establish formalized partnerships/collaborations with aging/disability and elder rights networks in order to enhance effective legal responses to elder abuse, neglect, and financial exploitation.
- Establish and implement a statewide legal training agenda focusing on priority legal issues for professionals and advocates in legal and elder rights networks.

### **C. General Proposal Requirements**

Applicants preparing proposals under this funding opportunity must submit a plan for developing a Model Approaches - Phase II legal service delivery system that builds on progress made in Model Approaches - Phase I by:

- Assessing the capacity of the current legal service delivery system to meet the most critical legal needs previously identified in Model Approaches - Phase I (and other follow up studies, if applicable) in order to guide the continued expansion, improvement, and sustainability of the Model Approaches - Phase II legal service delivery system.
- Seamlessly integrating within legal service delivery systems various low cost service delivery mechanisms (e.g. such as SLHs, pro-bono volunteer attorneys, law students, or reduced-fee wills/advance directive panels) that focus on priority legal issues under the OAA, including issues that emerge from cases of elder abuse, neglect, and financial exploitation.
- Developing and fully implementing statewide legal service delivery standards/guidelines that are designed to ensure consistent high quality/high impact legal service delivery to older adults in the most social or economic need.
- Developing innovative outreach and targeting strategies/techniques designed to identify and serve the most hard-to-reach older adults, including the use of GIS mapping and non-traditional outreach methods and venues to enhance statewide legal service accessibility on “priority” legal issues.
- Establishing partnerships/collaborations with appropriate organizations/entities, such as APS, LTC Ombudsmen, Protection and Advocacy organizations (P&As), legal-medical partnerships, AAA/ADRCs, state court systems, organizations/entities involved in guardianship/conservatorship, financial institutions, and other organizations/entities that have a role in protecting vulnerable older adults.
- Establishing a statewide legal training agenda focused on priority legal issues under 307(a) (11) (E) of the OAA, including legal issues that emerge from elder abuse, neglect, and financial exploitation.
- Developing outcome measures that quantify the beneficial impact of legal service delivery systems on the independence, health, and financial security of older adults in the most social or economic need.
- Fully leveraging the leadership role of the LAD in project design, implementation, evaluation, and sustainability. The role of the LAD should include: (1) the completion of a legal service delivery capacity assessment and associated recommendations; (2) the development of a strategic outreach/targeting plan; (3) the

development and implementation of statewide legal service delivery standards/guidelines; (3) the development of a framework for implementing a statewide legal data collection and reporting system (4) the development and implementation of a statewide legal training agenda; and (5) the formation of partnerships with key entities that have a central role in protecting vulnerable older adults from abuse, neglect, and financial exploitation.

Each application for Model Approaches - Phase II should specifically address the following elements:

### **1. Planning and Implementation Framework for Project Activities: Years 1- 3**

Although ACL anticipates that proposals will vary according to the special circumstances of each state and previous levels of progress made under Model Approaches - Phase I, all proposals should describe anticipated activities within the general three-year timeframe below.

*Year 1: Initial Planning and Project Implementation.* For Year 1, the proposal should include a discussion of the strengths and weakness of the current Model Approaches - Phase I legal service delivery system; the nature and scope of anticipated planning and implementation activities; the role of the LAD in the design, implementation, evaluation, and sustainability of the anticipated Model Approaches - Phase II legal service delivery system; the anticipated role of stakeholders/collaborating entities involved in planning and implementation activities; the issues to be addressed and decided upon during the planning process; and a full discussion of issues related to project sustainability beyond the project period.

It is anticipated that project planning will require less than 6 months. Once project planning is completed with full input from relevant stakeholders, the proposal should reflect movement toward the implementation of project objectives building upon the foundation already in existence as a result of Model Approaches - Phase I and other state/local legal service enhancement initiatives. Those objectives to be completed in Year 1 shall include: (1) the completion of a statewide legal service delivery capacity assessment and legal needs/capacity report; (2) the development of a strategic outreach/targeting plan (3) the development of a statewide legal training agenda focusing on priority legal issues; (3) the formalization of partnerships/collaborations with key project participants; and (5) the development of plans to direct greater legal service delivery system capacity in the direction of preventing and responding to elder abuse, neglect, and financial exploitation.

*Year 2: Project Implementation.* For Year 2, the proposal should set forth the commitment to develop, implement, and/or revise statewide legal service delivery standards/guidelines. The proposal should also set forth the commitment to develop a statewide legal data collection plan that will provide the framework and set the foundation for the implementation of a statewide legal data collection and reporting system. Proposals should state the intent to implement all project objectives consistent with activities and timeframes as set forth in the Project Narrative and Work Plan/Timeline Chart, and prepare the mechanisms to track progress towards direct service outcomes and broader "systemic" outcomes.

*Year 3: Operation and Data Collection.* During the Year 3, all programs should be

operational and collecting outcome data. All programs should have at least 12 months of data by the end of Year 3, including direct service and systemic outcomes data as defined in the FOA. Year 3 will conclude with the completion of a formal Model Approaches - Phase II sustainability plan developed jointly by key project stakeholders.

## **2. Stakeholder Involvement in Project Implementation and Sustainability**

As illustrated under Model Approaches - Phase I, efforts under this grant opportunity cannot be successful without building effective and enduring partnerships and collaborations among key stakeholders within existing legal and aging/disability service delivery systems. The purpose of active and ongoing partnerships and collaboration between stakeholders is twofold: (1) to leverage the leadership, resource support, and technical expertise necessary to successfully design, implement, and evaluate the Model Approaches - Phase II legal service delivery system; and (2) to obtain the necessary input, expertise, and ongoing support to sustain the Model Approaches - Phase II legal service delivery system and all its vital components beyond the project funding period.

Examples of key stakeholders involved in systems enhancing partnerships/collaborations under Model Approaches - Phase II include: the LAD; State Director on Aging; AAA/ADRC staff; Title III-B legal service providers; SLH managers; law school clinic administrators; private bar pro-bono administrators; Legal Services Corporation (LSC) providers; reduced fee panel participants; state court administrators; social security representative payee program administrators; legal-medical partnership entities/staff, APS; LTC Ombudsmen; P&A attorneys/staff; older consumers who the delivery system is designed to serve; and other professionals and advocates involved in protecting the legal rights of older adults and people with disabilities.

The applicant should describe a plan to reconvene the key stakeholders previously assembled under Model Approaches - Phase I to strategically plan the growth, evolution, and sustainability of the Model Approaches - Phase II legal service delivery system. The plan should also describe the participation of new project partners not previously involved in Model Approaches - Phase I that are central to advancing the expanded goal and objectives related to building the Model Approaches - Phase II legal service delivery system. The stakeholders convened should specifically discuss (1) the formalization of project partnerships/collaborations; (2) the completion of a capacity assessment and a needs/capacity report setting forth concrete recommendations for legal service delivery enhancement; (3) the completion of a strategic outreach/targeting plan; (4) the completion of a statewide legal training agenda; (5) the completion and/or revision of statewide legal service delivery standards/guidelines; (6) the development of a framework for the creation of a uniform legal data collection and reporting system; (7) the development and evaluation of measurable outcomes for direct legal service delivery and activities associated with specific project objectives; and (8) the long term sustainability of the Model Approaches - Phase II legal service delivery system.

## **3. Critical Leadership Role of the State Legal Assistance Developer**

LADs are central to the successful design, implementation, and sustainability of Model Approaches – Phase II legal service delivery systems. Title VII, Section 731, of the OAA requires each state to appoint a LAD responsible for leading the creation and maintenance

of high quality, high impact, legal service delivery systems that address priority legal issues impacting older adults in the most social or economic need. Under the OAA, the LAD is directly involved in the promotion and enhancement of:

- State leadership in securing and maintaining the legal rights of older individuals
- State capacity for coordinating the provision of legal assistance
- State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate
- State capacity to promote financial management services for older individuals at risk of conservatorship
- State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship
- State capacity to improve the quality and quantity of legal services provided to older individuals

Previous experience through Model Approaches - Phase I has demonstrated that project success is dependent upon adequate program planning and leadership support from the LAD. Therefore, each proposal must include a detailed description of the role of the LAD in helping to design, implement, evaluate, and sustain a Model Approaches - Phase II legal service delivery system. In collaboration with key partners and stakeholders, the LAD should be involved in the following activities:

- Advancing the goals and objectives of Model Approaches - Phase II by involving direct stakeholder input in planning the growth, evolution, and sustainability of the anticipated Model Approaches - Phase II legal service delivery system;
- Assisting in the planning and completion of legal delivery systems capacity assessments and a final legal needs/capacity report setting forth concrete and actionable recommendations for systemic enhancement;
- Facilitating training opportunities and inter-agency collaborations between providers in legal, aging/disability, and protective services networks;
- Helping to strategize and implement outreach activities that effectively direct legal services to older persons in the most social or economic need;
- Facilitating the development and implementation of statewide legal service delivery standards/guidelines that define priority legal issues and the role of aging/disability and legal service delivery networks in enhancing targeted access to legal services;
- Leading the creation of statewide data collection and reporting systems that measure the beneficial impact of various types and levels of legal service on the lives and well being of needy older persons;
- Leading the formation of partnerships with key stakeholder entities that have a central role in protecting vulnerable older adults, such as state court systems, APS, P&As, LTC Ombudsmen programs, Alzheimer's programs, representative payee programs, and other organizations/entities involved in protecting the rights of older persons and people with disabilities; and
- Encouraging and expanding collaborations between legal providers and other elder rights advocacy programs, such as the LTC Ombudsman and elder abuse prevention programs, through the development of formal memorandums of agreement or



inter-office protocols governing specified areas of collaboration in achieving shared objectives.

The LAD serves an important leadership role in helping to actualize a sustainable statewide vision for a well integrated and cost effective legal service delivery system that optimizes service access for older adults in the most social and economic need. To fulfill this role, LADs should participate directly in the statewide legal service delivery planning process and provide input into the elder rights provisions of state plans and area plans, including the incorporation of essential Model Approaches - Phase II objectives that are intended to endure beyond the project period. Proposals should therefore state the intent to coordinate and align the implementation of Model Approaches - Phase II objectives with relevant elder rights goals/objectives in state plans and area plans to the extent possible, and as appropriate.

#### **4. Assessing the Capacity of Legal Service Delivery Systems**

The population of people 65 and over increased from 35 million in 2000 to 40 million in 2010 (a 15% increase) and will increase to 55 million in 2020 (a 36% increase for that decade). As the aging population grows, it can be expected that the number of socially or economically needy seniors requiring legal services will also grow. As part of Model Approaches - Phase I, 31 states have undertaken studies to assess the legal needs of either their entire older population or of particular groups of needy older persons. However, many of these states still require a more accurate description of the working components of their current legal service delivery system and the capacity of the system to meet previously identified "priority" legal needs. This information, in combination with legal needs data, is essential to making the best use of available legal resources and provides the foundation for a comprehensive and well informed legal service delivery planning process.

Each grantee is expected to undertake an assessment of the capacity of the current legal service delivery system to address critical legal needs in their state. Applications should describe the methodology and approach to conducting the capacity assessment and the methodology identified should be feasible and reasonable in terms of time, costs, and resources. Applicants should describe the legal needs of target populations based upon previous studies conducted within their states, supplemented by additional data or insights gained subsequent to the completion of those studies. Applicants should state their intent to ascertain the priority legal issues most critical to target populations that the current delivery system does not have the leadership, knowledge/expertise, and overall systems capacity to adequately address.

The capacity assessment should analyze the core components of the state's current legal service delivery system (such as Title III-B programs, pro-bono volunteers, law school clinics, and SLHs) and the interrelationships and levels of integration between and among those components. It should identify: types of legal issues currently handled by various providers; levels of service they each provide in different case categories, including cases emerging from elder abuse, neglect, and financial exploitation; methods used for targeting and outreach efforts; a demographic profile of the types of clients served; existing service delivery gaps in types of legal cases handled, geographic coverage, and overall accessibility. Further, it should also describe the existing leadership capacity, funding levels, and the extent of coordination of various core legal service delivery components within the

aging/legal service delivery system (e.g. State Units on Aging, the designated LAD, and AAAs/ADRCs). Capacity assessment results should be set forth in a final legal needs and capacity report that will include recommendations for remedying identified systemic weaknesses and addressing critical legal needs through systems enhancement efforts conducted during and after the project period.

The results of a previously conducted needs assessment and a current systems capacity analysis should be used to guide the planning and creation of a Model Approaches - Phase II legal service delivery system that addresses priority legal issues impacting older adults most in need. The legal needs/capacity report should guide and inform the creation of the (1) strategic outreach/targeting plan; (2) statewide legal training agenda; (3) statewide legal standards/guidelines; and (4) the legal data collection/reporting system. The needs/capacity report should also guide and inform the integration of low cost service delivery mechanisms responsive to legal issues arising from elder abuse, neglect, and financial exploitation. If the applicant can demonstrate that a sufficiently comprehensive capacity assessment that adequately addresses legal responses to elder mistreatment has been completed within the past 5 years, the requirements may be waived during the negotiation phase of the cooperative agreement.

Guidance on conducting a legal delivery systems capacity assessment can be found on The Center for Social Gerontology's (TCSG's) website: <http://www.tcsg.org/>

## **5. Integration of Low Cost Service Delivery Mechanisms**

Model Approaches - Phase I has demonstrated the effectiveness of integrating low cost service delivery mechanisms such as SLHs, pro-bono volunteer services, law school clinics, reduced fee panels, and other self help resources into the broader tapestry of legal service delivery networks. The incorporation and use of such low cost mechanisms has significantly enhanced the legal service delivery capacity of states to address priority legal issues under 307 (a) (11) (E) of the OAA impacting older persons in the most social or economic need. Hence, low cost mechanisms are considered essential features of Model Approaches - Phase II legal service delivery systems as states continue to leverage and maximize all available resources to provide critical legal assistance for older adults.

### **• *Senior Legal Helplines***

Properly integrated SLHs are essential in advancing the high quality, high impact legal service delivery systems envisioned in Model Approaches - Phase II. Funding under this program announcement may be used to support SLHs as an integral part of legal service delivery systems responsive to priority legal issues impacting older persons most in need. In addition, SLHs are identified as a low cost mechanism that can play a useful role in the prevention, identification, and remediation of legal issues emerging from cases of elder abuse, neglect, and financial exploitation.

The 31 SLHs that currently exist across the country are housed within non-profit legal programs and are designed to provide limited legal assistance to older persons in a cost effective manner. Approximately 50 % of SLHs perform the advice and intake functions for one or more full-service legal assistance program. SLHs that are not part of a full legal services organization provide only telephone advice, referral, and additional limited actions such as writing a letter to third parties, making phone calls,

or researching an issue for a client. These “stand alone” SLHs refer older clients needing extended services to other legal assistance programs after rendering advice and/or brief service, as appropriate.

The SLH model has also served as a testing ground for numerous service delivery innovations including online intake, online document drafting, benefits screening, brief services units, pro-bono participation, and self help collaborations with libraries and senior centers. Other notable innovations include Model Approaches - Phase I projects that expanded the service delivery horizon of SLHs into the domain of financial exploitation (e.g. NH, TX, WV). The focus of these Model Approaches projects was a response to adverse economic conditions which contributed to increases in financial exploitation and consumer fraud impacting older persons in those states.

Given the proliferation of legal issues emerging from cases of elder mistreatment across the country, SLHs are well situated to play an increasing role in the prevention, identification, and remediation of these cases, especially in the area of financial exploitation. SLHs are well suited to assist in these cases for the following reasons:

- The accessibility of SLHs provides a non-threatening venue for older persons to discuss legal issues that may have their origins in elder abuse, neglect, or financial exploitation.
- The legal challenges that many older persons face in the areas of consumer protection, public benefits eligibility, and advance planning may be caused by underlying financial exploitation that can potentially be identified by a SLH.
- SLHs typically have full knowledge of a state’s elder abuse prevention and response networks and are well suited to advise on appropriate referrals and potential remedies.
- SLHs provide access to legal assistance without older adults having to leave the home and thus serve as an important and easily accessible portal to services necessary to ensure independence and financial security.
- SLHs can serve as critical front line reporters of abuse, neglect, and exploitation of vulnerable adults, within the limitation of attorney client confidentiality.

Some scenarios from the aging/legal networks illustrate how a SLH may be able to assist an older adult in addressing legal issues emerging from elder abuse, neglect, or financial exploitation:

- SLH received a phone call from M seeking help to prevent a utility shut off. Evaluation by the helpline attorney revealed that the cause of the late-payment was financial exploitation of M by an adult child. Through appropriate advice and referrals the adult child was moved from the home, control over M’s bank accounts was rescinded, and negotiations conducted by the SLH led to an affordable payment schedule worked out with the gas company.
- M called a SLH stating that while she was in the hospital her son had used a power of attorney to move her modest savings from one bank account to another. The helpline attorney prepared a revocation of the power of attorney

and instructed on how to provide notice of the revocation and move her savings back to the appropriate account.

- D called a SLH asking for help with a divorce. His wife of nearly 50 years had developed dementia and was threatening him with a knife. The helpline attorney provided emergency safety planning with D and connected him with experts in dementia and domestic violence. With assistance, D was able to stay in the marriage and provide care for his wife.

No less than \$75,000 (and no more than \$85,000) of this grant award shall be allocated to the support of SLHs in their efforts to respond to priority legal issues impacting older persons most in need. Applicants should provide detailed plans to undertake each of the following activities: (1) formalize partnerships with SLHs, legal service providers, and elder abuse response entities in addressing priority legal issues, including elder abuse, neglect, and financial exploitation; (2) identify areas of joint training directed towards improving the ability of SLHs, APS, and LTC Ombudsmen to coordinate/collaborate on cases of elder abuse, neglect, and financial exploitation involving an older person; (3) ensure the collection of data pursuant to uniform reporting guidelines for Model Approaches helplines; [\[2\]](#) and (4) measure the outcomes and impact of legal services provided through SLHs, including results achieved in cases of elder abuse, neglect, and financial exploitation.

- *Pro-Bono Volunteer Attorneys*

The effective leveraging and use of pro-bono volunteer attorneys is viewed as essential in advancing the high quality/high impact legal service delivery systems envisioned in Model Approaches - Phase II. Pro-bono volunteers enhance systems capacity by providing legal assistance on important legal issues such as estate planning, wills, advance directives (e.g. powers of attorney/living wills), public benefits eligibility and appeals, housing access and foreclosure defense, guardianship, consumer protection, elder abuse, neglect, and financial exploitation. Therefore, funding under this program announcement may be used to support the recruitment and use of pro-bono volunteer attorneys as an integral part of legal service delivery systems responsive to priority legal issues impacting older persons in the most social or economic need.

In 2002, the ABA Center for Pro Bono conducted a study of effective family law projects in pro-bono programs in response to the growing gap between the number of family law volunteers and the need for assistance in family law matters. *The Impact of Family Law Cases on Pro Bono Programs* [\[3\]](#) identified specific challenges in recruiting volunteers for family law matters. The programs surveyed as part of the study stated that prospective pro-bono attorneys were hesitant to take pro-bono family law cases because family law tended to be a complicated and constantly changing area of law.

The complexity often cited with regard to family law cases applies to many legal issues impacting older adults in the area of elder mistreatment, such as guardianship abuse, domestic violence, divorce/separation, and financial exploitation. Applicants should therefore describe in detail their plans to direct a part of identified pro-bono resources to respond to elder abuse related legal issues. Applicants should also describe plans to

train and provide necessary technical assistance to pro-bono volunteers in order to make them more comfortable with the complex areas of family law impacting older adults, including issues emerging from elder abuse, neglect, and financial exploitation.

In general, with the proper supervision by licensed attorneys, non-attorney volunteers can be utilized without compromising the quality of the services in areas of lower complexity legal work. If properly leveraged, these non-attorney volunteers can enable legal providers to help a greater number of older adults, reduce the cost of services, and free up attorney time to focus on more complex “priority” legal cases. Applicants may describe plans to recruit and train non-attorney volunteers on cases of lower complexity, such as consumer debt issues, advance directives, and eligibility for public benefits.

The development of effective pro-bono volunteer attorney programs requires a serious commitment of time and resources. It involves not only recruiting suitable volunteer attorneys, but also screening appropriate cases and clients, referring cases to the proper service entities, providing technical assistance and training to pro-bono volunteers, providing malpractice insurance coverage, and tracking cases to assure that they are properly handled and closed. Applicants intending to use grant funds to support pro-bono volunteer attorney efforts should describe in detail their plans to integrate pro-bono services as part of a Model Approaches - Phase II legal service delivery system. If the applicant does not intend to allocate program funds to promote pro-bono volunteer activities, the applicant must (at a minimum) state their intent to incorporate the use of pro-bono resources as an essential low cost mechanism within the Model Approaches - Phase II legal service delivery system.

- *Law School Clinics*

The effective integration of potential legal resources available through law school clinics is viewed as essential in advancing the high quality/high impact legal service delivery systems envisioned in Model Approaches - Phase II. The involvement of law school clinics within comprehensive legal service delivery systems can enhance overall statewide capacity to provide legal assistance on important issues such as public benefits eligibility and appeals, housing access and foreclosure defense, consumer protection, advance directives, estate planning, domestic violence, financial exploitation, adult guardianship, and various other family law issues impacting older adults. Therefore, applicants should describe plans to seek opportunities presented by local law schools that may be receptive to initiatives that would help expand law student academic activities in the area of elder law.

Funding under this program announcement may be used to support activities involving law school clinics directing resources at legal issues emerging from elder abuse, neglect, and financial exploitation. At a minimum, the applicant must state their intent to explore the potential involvement of law school clinics and the use of pro-bono law student resources as important low cost mechanisms within the Model Approaches - Phase II legal service delivery system.

- *Reduced Fee Panels*

The effective integration and use of attorneys serving on reduced fee panels can help advance the high quality/high impact legal service delivery systems envisioned in Model Approaches - Phase II. Reduced fee panels are low cost mechanisms that use private attorneys agreeing to accept referrals on specified types of legal issues at a reduced hourly rate, a fixed amount for certain routine cases of low complexity, agreed upon contingency fees, or other arrangements that direct low cost services to older adults with high priority legal problems. As with pro-bono attorneys and law school clinics, reduced fee panels could serve to enhance overall capacity to address important issues such as public benefits eligibility and appeals, housing access and foreclosure defense, consumer protection, advance directives, estate planning, domestic violence, financial exploitation, adult guardianship, and various other family law issues impacting older adults.

Funding under this program announcement may be used to support the creation of reduced fee panels. Applicants may describe plans to seek opportunities presented by local private bars and other pro-bono initiatives to aid in the creation and maintenance of reduced fee panels that address critical legal issues. At a minimum, the applicant must state the intent to explore the potential involvement of reduced fee panels as essential low cost mechanisms within the Model Approaches - Phase II legal service delivery system.

- *Self Help Resources*

The effective integration and use of self help resources can help advance the high quality/high impact legal service delivery systems envisioned in Model Approaches - Phase II. Enhanced older consumer accessibility to a wide array of self-help resources is a powerful systems capacity builder when used in combination with other low cost mechanisms.

Applicants should set forth detailed plans to identify the full range of self-help resources available in their state and coordinate these resources to ensure they are properly leveraged by legal providers and older adults who are capable of using the information. Applicants should present plans to integrate self-help resources as part of the Model Approaches - Phase II legal service delivery system that may include:

- Computer terminals for walk-in users to access user friendly websites
- Computerized public benefits application forms
- Standardized legal form templates for documents such as advanced directives with detailed instructions
- Legal forms to aid in self-representation on common issues such as small claims and consumer debt
- Online benefits eligibility screening tools
- Listings and descriptions of existing community resources
- Other resources

Applicants should also include details on how pro-se and self-help consumers can receive additional advice and assistance from SLHs and other low cost service delivery mechanisms.

## **6. Partnerships and Collaborations with Aging and Disability Networks**

Model Approaches – Phase II legal service delivery systems will involve partnerships/collaborations with various critical components of service delivery networks providing long term services and supports to older adults and people with disabilities. The purpose of building partnerships and/or linkages with aging and disability networks is to assure that legal service remedies are recognized and properly applied in ensuring the independence, health, and financial security of older adults and people with disabilities.

Applications should include plans to build upon efforts commenced under Model Approaches - Phase I to promote awareness and understanding of the types and levels of services available from the various components of the state's legal service delivery system and to foster partnerships/collaborations with service providers in community-based aging and disability networks. Key entities targeted for new or enhanced partnerships/collaborations should include:

- *Aging and Disability Resource Centers*

Aging and Disability Resource Centers (ADRCs) are essential components of a Model Approaches - Phase II legal service delivery system. ADRCs support states in their efforts to effectively integrate the full range of long-term supports and services into a single, coordinated system. By simplifying access to long-term care systems, ADRCs are serving as the cornerstone for long-term care access in a growing number of states and local communities. ADRCs target services to the elderly and individuals with physical disabilities, serious mental illness, and/or developmental/intellectual disabilities. The ultimate goal of the ADRCs is to serve all individuals with long-term care needs regardless of their age or disability.

ACL and the Center for Medicare and Medicaid Services (CMS) have implemented ADRCs as highly visible and trusted places available in every community across the country where people of all ages, incomes and disabilities go to access information on the full range of long-term support options. ADRCs provide information and assistance to individuals planning for their future long-term care needs as well as to professionals seeking assistance on behalf of their clients. ADRC programs also serve as the single entry point to publicly administered long-term supports including those funded under Medicaid, the OAA, and state revenue programs.

As single point of entry for a full range of LTC services and supports, ADRCs are extremely well positioned to identify legal problems that impact the independence, health, and financial security of older adults and people with disabilities. ACL continues to work towards developing models of identification and referral that seamlessly link ADRCs to legal and elder rights protection programs. In the area of elder mistreatment, ACL's elder abuse prevention program continues to explore best practices in incorporating crisis management and risk identification into ADRC operations. In addition, collaborations between elder rights providers and ADRCs have emerged that demonstrate a high degree of success in elder abuse and legal interventions across aging and disability networks.

Applicants should describe in detail plans to incorporate and involve ADRCs as vital components of the Model Approaches - Phase II legal service delivery system.

Proposed collaborations may include, but are not limited to:

- Cross-training activities involving Title III-B legal providers, SLH attorneys, P&A attorneys, I&A specialists, options counselors, benefits enrollment specialists, and case managers focusing on the identification and legal responses to problems impacting older adults and people with disabilities. Such trainings may be supported by resources available through the National Legal Resource Center (NLRC) [www.NLRC.aoa.gov](http://www.NLRC.aoa.gov), and other appropriate ACL funded resource centers.
- Cross-training activities involving ADRC personnel, Title IIIB-legal providers, APS investigators, and LTC Ombudsmen focusing on the effective identification and legal responses to problems impacting older adults and people with disabilities. Such trainings may also be supported by resources available through the NLRC, and other appropriate ACL funded resource centers.
- The development of screening tools and referral matrices that seamlessly connect older adults and people with disabilities experiencing critical legal challenges with the appropriate legal providers and/or protective service entities.
- The development of formalized memorandums of agreement that set forth the framework for ongoing collaborations between ADRC personnel, legal providers, APS, and LTC Ombudsmen in cases involving older adults and people with disabilities experiencing critical legal problems and/or elder abuse.
- Involvement in joint targeting and outreach activities that identify and reach out to populations most in need of legal assistance on priority legal issues. Outreach efforts could include the distribution of informational materials to traditional and non-traditional access points (e.g. senior centers, nursing homes, assisted living facilities, subsidized housing complexes, physicians offices, grocery stores etc...); the deployment of attorneys to strategic sites to conduct intake and provide direct service; and the use of GIS mapping technology to plot locations of under-served seniors and the targeting of those areas for community outreach events and on-site intake.

As applicants consider opportunities for collaboration with ADRCs, it is important to note that four states (MN, NY, GA, and OH) have ACL-funded Systems Integration grants and eight states (VT, NH, MA, CT, MD, WI, OR, and WA) have Enhanced Options Counseling grants. If applicable, applicants should describe their intent to coordinate Model Approaches Phase II activities with the goals and objectives of these preexisting ACL grant initiatives. Applicants must also describe in detail the role of LADs in leading the enhanced interface and anticipated cross-network collaborations with ADRCs in their states.

- *Alzheimer Programs*

Programs that assist people with Alzheimer's disease (AD) and other forms of dementia are essential components of a Model Approaches - Phase II legal service delivery system. People with Alzheimer's disease are particularly vulnerable to



financial exploitation, physical or emotional abuse, and neglect both at home and in care facilities. To best serve this vulnerable population, legal service delivery systems must be dementia-capable; that is, tailored to the unique needs of persons with dementia stemming from conditions such as Alzheimer's disease and related disorders, and their caregivers. Providers should, for example:

- Be skilled at identifying people with Alzheimer's disease.
- Know how best to communicate with persons with dementia and their family caregivers.
- Ensure that persons with dementia are supported in their decision-making about services and involve family caregivers when necessary.
- Be knowledgeable about the kinds of services that help people with Alzheimer's disease.
- Be capable of providing linkages to other dementia-capable providers.

Applicants should describe plans to incorporate and involve an organization with substantial expertise and experience in serving persons, families, and communities impacted by AD as a vital component of the Model Approaches - Phase II legal service delivery system. Proposed collaborations may include, but are not limited to:

- Cross-training activities involving Title III-B legal providers, SLH attorneys, P&A attorneys, I&A specialists, options counselors, benefits enrollment specialists, and case managers focusing on the identification and legal responses to problems impacting persons with AD. Such trainings may be supported by resources available through the NLRC, and other appropriate ACL funded resource centers.
- Cross-training activities involving personnel from organizations with expertise and experience in serving persons, families, and communities impacted by AD (including AD programs administered through ADRCs), Title III-B legal providers, APS investigators, and LTC Ombudsmen focusing on the effective identification and legal responses to elder abuse, neglect, and financial exploitation. Such trainings may be supported by resources available through the NLRC, and other appropriate ACL funded resource centers.
- The development of formalized memorandums of agreement that provide the framework for ongoing collaborations between organizations with substantial expertise and experience in serving persons, families, and communities impacted by AD (including AD programs administered by ADRCs), Title III-B legal providers, APS, and LTC Ombudsmen in cases involving persons with AD experiencing critical legal problems and/or elder abuse.
- Involvement in joint targeting and outreach activities that identify and reach out to populations most in need of legal assistance on priority legal issues, such as persons with AD who live alone.

Applicants must also describe in detail the role of LADs in leading the enhanced interface and anticipated cross-network collaborations with Alzheimer's programs in their states.

- *Medical and Legal Partnerships*

Effective models of Medical and Legal Partnerships (MLPs) currently exist across the country providing direct legal services to patients and training between healthcare and legal providers. Medical providers and legal providers are ideally positioned to work collaboratively in assisting older adults and people with disabilities facing legal problems related to their basic needs such as income security, housing, and healthcare. Therefore, MLPs may be considered vital components of a Model Approaches- Phase II legal service delivery system.

MLPs draw on the expertise of various community partners to create a holistic approach to patient care that includes an enhanced focus on legal issues that impact the independence, health, and financial security of older adults and people with disabilities. Potential partners from the health and legal communities may include civil legal aid providers, law schools, pro-bono volunteer programs, hospitals, health centers, medical schools, and residency programs. Depending on the patient's legal needs, services can range from advice and brief services to full representation on one or more legal issues including housing, access to utilities, consumer protection, public benefits, guardianship, advance planning, and family law.

It is clear that the more independent older adults and people with disabilities remain through the use of appropriate and early legal services interventions, the less long term cost is imposed on state and federal resources. MLPs are also ideal for focusing on priority legal issues such as basic income (Social Security and SSI), housing, nutrition, and access to health care benefits (Medicare and Medicaid) and for targeting clients with the greatest economic and social needs.

Applicants may describe plans to promote the incorporation of MLPs as a component of the Model Approaches-Phase II legal service delivery system. The applicant may reference the following resources to aid in responding to this portion of the program announcement:

- National Center for Medical-Legal Partnerships:  
<http://www.medical-legalpartnership.org/>
- [http://www.americanbar.org/groups/probono\\_public\\_service/projects\\_awards/medical\\_legal\\_partnerships\\_pro\\_bono\\_project.html](http://www.americanbar.org/groups/probono_public_service/projects_awards/medical_legal_partnerships_pro_bono_project.html)

## **7. Partnerships and Collaborations with Elder Abuse Prevention Networks**

Elder abuse, neglect, and financial exploitation are primary concerns of aging service providers who assist older adults and people with disabilities. Elder abuse in all its forms undermines and often compromises the ability of providers to ensure their clients remain independent, healthy, and financially secure in their homes and communities for as long as possible. Legal service providers are on the front lines in implementing preventive strategies and remedies to address the wide range of harm caused by elder mistreatment in all care settings.

Legal assistance and elder rights programs under Titles III-B, IV, VI, and VII of the OAA are instrumental in preventing and addressing the harmful consequences of elder mistreatment, including financial damage caused by exploitation and fraud. Legal

assistance programs across the country are uniquely positioned to prevent and remedy various aspects of elder abuse by:

- Preventing further losses and recovering assets on behalf of vulnerable older adults in cases of financial fraud and exploitation.
- Removing and replacing a guardian that is suspected of engaging in abuse, neglect, or financial exploitation.
- Defending an older adult against guardianship when questionable petitions are involved, or when the guardianship is not necessary, and less restrictive alternatives are available.
- Representing abused older persons in divorce proceedings or advising them how to obtain protective orders.
- Counseling older adults on legal options to respond to credit card debt and harassment by creditors.
- Revoking or otherwise voiding powers or attorney, wills, contracts, loans, or property transactions that are the product of undue influence or diminished capacity.
- Under limited circumstance, the filing of petitions for emergency guardianship to secure the physical and financial security of an older adult.

Legal service providers can also refer older adults to other agencies, such as APS, law enforcement, and victim services providers to address problems emerging from elder abuse, neglect, and financial exploitation. In addition, the proper use of SLHs, pro-bono volunteer attorneys and law school clinic legal service programs can increase state wide capacity to protect older adults from elder abuse, create important relationships with attorneys in private elder law practice, and increase awareness of elder abuse in the broader legal community.

Model Approaches – Phase II legal service delivery systems should involve partnerships/collaborations with various critical components of elder abuse prevention networks that ensure older adults and people with disabilities are protected from abuse, neglect, and financial exploitation. The purpose of promoting partnerships/collaborations with elder abuse prevention networks is to assure that legal service remedies and preventive strategies are properly employed to address all forms of mistreatment impacting older adults and people with disabilities.

Applications should include plans to build upon efforts commenced under Model Approaches - Phase I to foster partnerships with protective service and systemic advocacy entities involved in addressing allegations of abuse, neglect, and exploitation in institutional and home and community based settings. Key entities targeted for new and enhanced partnerships/collaborations include:

- *Adult Protective Services (APS)*

APS agencies are the primary state entities statutorily empowered to receive and investigate reports of suspected elder abuse, neglect, and exploitation and are therefore essential partners in a Model Approaches - Phase II legal service delivery system. APS interventions in allegations of elder mistreatment include, but are not limited to:

- receiving reports of adult abuse, exploitation, or neglect;

- investigating reports of adult abuse, neglect, and/or financial exploitation;
- case planning, monitoring, and evaluation; and
- implementing protective action plans

Upon substantiation of an allegation of elder mistreatment, APS is typically responsible for implementing protective action plans in coordination with appropriate social service, law enforcement, medical, financial, housing, and legal entities that may assist in the resolution of a confirmed allegation.

Aging/disability/legal network partnerships with APS are essential to achieving a Model Approaches - Phase II legal service delivery system for three main reasons: (1) APS is well positioned to play an important role in identifying and properly referring legal issues impacting vulnerable adults arising from elder abuse investigations; (2) upon substantiation of mistreatment of a vulnerable adult, APS services often require the involvement of legal programs and remedies to address the identified harm and potential risks to the vulnerable adult's independence, health, and financial security; and (3) APS is a potentially valuable partner in raising awareness within the criminal justice, medical, and financial services arenas regarding the importance of civil legal remedies in preventing and remediating elder abuse.

Applications must clearly demonstrate that a state APS entity agrees to cooperate in referring clients to appropriate legal service providers as per existing or newly established referral protocols. Applications must also demonstrate that APS is prepared to collaborate in multidisciplinary efforts involving social service, criminal justice, medical, financial, and legal professionals to ensure the independence, health, and financial security of vulnerable adults in cases of confirmed elder abuse, neglect, and financial exploitation. Such collaborations should include the sharing of information to the degree possible with state courts and Social Security fiduciary programs (as appropriate) in investigations of financial abuse involving court appointed guardians/conservators and/or Representative Payees.

Because Model Approaches - Phase II has broader implications for statewide planning efforts around elder abuse prevention, applicants must demonstrate that the LAD is prepared to coordinate project objectives with ongoing SUA activity in the area of elder abuse prevention in home and community based and institutional care settings. Applications must also demonstrate that APS is prepared to accept appropriate referrals from SLHs when they identify a client who may be experiencing elder abuse, neglect, or financial, exploitation, and grants consent for referral.

Applicants must describe the LAD's role in leading enhanced partnerships with APS programs in their states and ensure the representation of APS and LTC Ombudsmen on the Model Approaches – Phase II stakeholder group convened for the purpose of project planning and implementation. In addition, applicants must include a letter from the lead APS administering entity in the state demonstrating their commitment to relevant objectives of the Model Approaches - Phase II legal service delivery system.

#### • *LTC Ombudsman*

LTC Ombudsmen are empowered by Title VII of the OAA to serve as advocates for

residents of nursing homes, board and care homes, assisted living facilities, and adult care facilities. They work to resolve problems of individual residents and lead efforts at the local, state, and federal levels to improve the care, safety, and quality of life for all residents. LTC Ombudsmen play a key role in combating elder abuse and neglect in various care settings and are therefore identified as essential partners in a Model Approaches - Phase II legal service delivery system.

Since the enactment of the Elder Rights provisions under Title VII in 1992, an important emphasis is placed upon effective coordination and collaboration between LTC Ombudsman, elder abuse prevention, and LAD programs. These programs have fundamentally different but complementary legal mandates which require effective interface in order to better serve older client populations facing threats to their independence, health, and financial security. On-going coordination and collaboration among elder rights programs under Title VII are referenced and emphasized in several key provisions of the OAA:

- Under Section 711 of the OAA, the Office of the Ombudsman is required to: (1) coordinate ombudsman services with protection and advocacy systems for individuals with developmental disabilities and mental illness; (2) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306 (a)(2)(C) and; (3) coordinate services with State and local Law enforcement agencies and courts of competent jurisdiction.
- Elder abuse prevention provisions under Section 721 of the OAA provide for the coordination of programs seeking the protection of vulnerable adults, including programs such as: (1) adult protective services; (3) State Long-Term Care Ombudsman; (4) protection and advocacy; (5) facility and long-term care provider licensure and certification programs; (6) and other enumerated elder rights entities. Ombudsman, legal assistance, and elder abuse prevention programs often work together in addressing the wide range of legal problems that older victims of abuse present.
- Legal Assistance Development provisions under Section 731 are intended to enhance the capacity of states to improve the coordination of legal services provided to older individuals. This includes enhancing state capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other elder rights entities.

On-going coordination/collaboration among elder rights programs under Title VII is essential for the effective implementation of each program's mission and role. To further define and promote effective coordination/collaboration involving the Ombudsman program and other elder rights programs under Title VII, applications should include detailed plans to work with the Ombudsman program on activities that may include:

- Developing working agreements where necessary and appropriate to promote coordination of advocacy efforts with state and federal programs designed to protect the rights of vulnerable elders, including APS and legal assistance programs. Such working agreements typically include: (1) agreed upon areas of

cooperation and collaboration under appropriate circumstance in specific care settings; (2) areas of information exchange as permitted by law or with the consent of vulnerable residents; and (3) protocols of referral to law enforcement, legal services, and APS.

- Consult with other programs under Title VII, including LADs, to identify opportunities for cross training, joint training, conferences, and other educational projects addressing complex legal issues related to protecting the rights of residents in an institutional care setting and non-institutional setting.
- Assist in the creation of a legal training agenda that includes training opportunities between AAA/ADRC staff, Title III-B legal providers, P&A attorneys, APS, LTC Ombudsman staff on priority legal issues, including residents' rights, elder abuse prevention, and guardianship and power of attorney issues. Training issues could include:
  - Legal issues related to elder abuse and neglect of a residents in LTC facilities
  - Legal issues related to financial exploitation of residents in LTC facilities
  - Legal issues related to unlawful discharge of a resident in LTC facilities
  - Legal issues related to the transition of a LTC resident to a home and community based environment, including access to housing and public benefits

Applicants must describe in detail the role of LAD in leading enhanced partnerships with LTC Ombudsmen programs in their states. In addition, applicants must submit a letter from the LTC Ombudsman that demonstrates their commitment to achieving relevant objectives of the Model Approaches – Phase II legal service delivery system.

- *Civil Legal Services*

Legal aid programs that receive LSC and/or OAA funding, and other providers of civil legal services, are central to preventing and combating the harm caused by elder abuse, neglect, and financial exploitation. Yet despite the clear benefit of providing direct legal representation to older victims or potential victims of elder abuse, various institutional and practical challenges limit the involvement of legal programs in addressing this critical issue.

Legal programs across the country generally receive little or no funding specifically tailored to address elder abuse, neglect, or financial exploitation. In an environment of severe budgetary constraints and increasing demand on other high impact legal issues, legal providers are struggling to meet the priorities attached to the limited funding they currently receive. As a result, many legal programs do not focus on the unique needs of older victims and often create unintentional barriers to serving older adults experiencing abuse, neglect, or financial exploitation. For example, civil legal services program staff generally do not receive specialized training on how to identify and support older victims of abuse; how to leverage existing expertise to address legal issues emerging from elder abuse; and how to apply effective strategies for representing older victims. Also, other organizations sometimes fail to recognize the critical role legal services could play in preventing and remedying elder abuse and may

not consult with or refer clients to those programs.

Civil lawyers who work for federal, state, or local government agencies, the private sector or non profits can all be more effectively leveraged and positioned to prevent, detect, and redress elder mistreatment. Therefore, applicants may identify individual entities providing civil legal service as essential partners within a Model Approaches - Phase II legal service delivery system. Activities under these partnerships may include:

- Training on how to detect, prevent, and remedy elder abuse, neglect, and financial exploitation.
- Provision of technical assistance in the provision of high-quality, cost effective civil legal services, including case analyses, brief banks, case consultation, information on expert witnesses, and legislative analyses.
- Involvement in multidisciplinary initiatives to address individual cases of elder abuse, neglect, and financial exploitation, as well as federal/state efforts to enhance laws, regulations, and policies related to effective prevention and investigative responses.
- Examining existing data collection efforts to assess whether opportunities exist to obtain data on prevalence/incidence and the financial cost of elder abuse, neglect, and financial exploitation.
- Supporting the delivery of civil legal services to elder abuse victims in coordination/collaboration with existing or future federal and/or state agency programming, grant funding, and training initiatives focusing on effective legal responses to elder abuse, neglect, and financial exploitation.
- Exploring areas of potential coordination/collaboration with P&A entities and LSC in the provision of legal service for older persons with disabilities.
- Involvement in joint and cross training opportunities between AAA/ADRC staff, Title III-B legal providers, P&A attorneys, APS, and LTC Ombudsman staff on priority legal issues, including residents' rights, elder abuse prevention, and guardianship/conservatorship issues.

If a partnership/collaboration with a civil legal service provider is planned, applicants must describe in detail the role of LAD in leading enhanced partnerships with civil legal services entities in their states.

- *Protection and Advocacy*

Protection and Advocacy agencies (P&As) can play a major role in preventing and responding to cases of abuse, neglect, and financial exploitation impacting older adults and people with disabilities and may be included as a vital component of a Model Approaches - Phase II legal service delivery system. P&As exist in all states and territories and also includes a Native American P&A in the four corners region of the Southwest.

Congress established the protection and advocacy system as part of the Developmental Disabilities Assistance and Bill of Rights Act of 1975. The Developmental Disabilities Assistance and Bill of Rights Act of 2000, requires that a state must "have in effect a system to protect and advocate the rights of individuals with developmental

disabilities" [\[4\]](#) in order to receive federal funding for programs serving persons with developmental disabilities. P&As have the authority to "pursue legal, administrative, and other appropriate remedies" in the interest of protecting and advocating for the rights of people "who are or who may be eligible" for services, treatment, or rehabilitation. [\[5\]](#)

The P&A agencies are accorded a wide scope of access to records regarding clients, investigations, complaints of possible abuse and neglect, deaths, and situations in which there is probable cause of serious and immediate jeopardy to health or safety. [\[6\]](#) At their inception, a central focus of P&As was protecting and advocating for individuals living in institutions. The statutory mission of P&As has broadened over time to encompass the protection of rights of persons with disabilities irrespective of where they reside. P&As now devote considerable resources to ensuring full access to inclusive educational programs, financial entitlements, health care, accessible housing, transportation, and productive employment opportunities, as well as continuing to seek prevention of abuse and neglect. [\[7\]](#)

The scope of P&A activities has grown considerably over the past almost forty years. Since it established the Developmental Disabilities Protection and Advocacy program in 1975, Congress has periodically authorized the P&As to receive or seek funding for other P&As or P&A-related activities. There are now eight different P&A programs, in addition to the original Developmental Disabilities P&A. [\[8\]](#)

P&A attorneys play a key role in combating elder abuse and neglect in various care settings and are therefore identified as important potential partners in a Model Approaches - Phase II legal service delivery system. Applicants may describe plans to enhance collaborations/coordination between P&A entities and aging and protective service networks through activities that include:

- Monitoring and assessing the quality of long term services and supports offered to people (including older adults) with developmental disabilities, and collaborating with other service providers to prevent their abuse, neglect, and financial exploitation in home and community based settings.
- Assisting and advising eligible older adults and people with disabilities who are denied or terminated from Medicare or Medicaid services or who face an inappropriate modification of services impacting their ability to remain independent, healthy, and financially secure.
- Providing assistance to address alleged violations of the legal rights of individuals with mental illnesses within institutional and home and community based care settings.
- Assisting in the enhancement of oversight for Social Security Representative Payee programs in collaboration with state courts, APS, LTC Ombudsmen, and SSA/OIG.
- Assisting in the enhancement of legal response for elderly persons with disabilities experiencing abuse, neglect, and financial exploitation by court appointed guardians/conservators.
- Exploring areas of potential coordination/collaboration with LSC in the provision of legal service for older persons with disabilities.



- Involvement in joint and cross training opportunities between AAA/ADRC staff, Title III-B legal providers, P&A staff, APS, and LTC Ombudsman staff on priority legal issues, including residents' rights, elder abuse prevention, and guardianship issues.

For contact information for individual P&A programs by state or territory, please see: <http://www.acf.hhs.gov/programs/aidd/resource/state-protection-and-advocacy-agencies>.

- *Tribal Organizations*

Tribal organizations (State and Federally Recognized Tribes) can play a major role in combating cases of elder abuse, neglect, and financial exploitation impacting Native Americans and may be included as a vital component of a Model Approaches - Phase II legal service delivery system. Although states and communities across the country have developed policies and programs to address elder abuse, little is known about elder abuse in Indian Country. Existing literature and accounts by Indian elders and their families, tribes, and advocates suggest that it is a serious and pervasive problem. However, the experiences of Indian elders with abuse, and their attitudes about what should be done to address it, appear to differ from those of non-Indian elders, suggesting the need for new prevention strategies.

In 2004 and 2005, AoA funded two projects to explore the needs of Indian elders experiencing problems with elder abuse, neglect, and exploitation. The first report was completed by the NCEA in collaboration with the National Indian Council on Aging. Among the findings were the following:

- Differing spheres of authority between tribal and non-tribal entities make it difficult to fully address suspected cases of abuse, neglect, or exploitation, and that strategies for improving cross-jurisdictional coordination should be developed;
- There is a lack of awareness within Indian Country of elder abuse, neglect, and exploitation. Materials and activities that are both culturally appropriate and specifically related to Tribal perceptions of abuse and Tribal values should be developed.

The second project was conducted by AoA's Office for American Indian, Alaskan Native, and Native Hawaiian Programs in 2005. This project compiled information from Tribal judges and Older Americans Act Title VI Tribal grantees. Respondents observed that Tribal and non-Tribal entities do not coordinate well in responding to allegations of abuse, neglect, and exploitation. Significantly, respondents stated that there is a widespread lack of community awareness, education, and training in all aspects of elder maltreatment within Indian Country.

As part of a Model Approaches - Phase II legal service delivery system, an applicant may propose to establish partnerships/collaborations with tribal organizations (State and Federally Recognized Tribes) to improve legal responses to cases of abuse, neglect, and financial exploitation impacting Native Americans in Indian country.

Activities under these partnerships/collaborations may include:

- Identifying, developing, and disseminating information and strategies on effective collaborations between tribal and non-tribal entities to address civil legal issues emerging from suspected and substantiated cases of abuse, neglect, or financial exploitation.
- Identifying, developing, and disseminating informational materials for professionals and Tribal members on preventative legal strategies and interventions addressing elder abuse, neglect, and financial exploitation that are culturally appropriate.
- Identifying, developing, disseminating, and providing training to Tribal professionals and other legal professionals working with Tribal entities on elder abuse, neglect, and financial exploitation.
- Promoting the creation of multidisciplinary teams designed to facilitate collaborative responses to complex issues of financial exploitation.

If the applicant proposes to establish a partnership with a tribal organization to engage in specified activities related to responses to elder abuse in Indian country, a letter of commitment from the tribal entity is required.

- *Banks and Financial Institutions*

Difficult economic conditions have led to an increase in the financial exploitation of vulnerable older adults across the country. Identity theft, lottery and sweepstakes scams, Medicare/Medicaid fraud, investment and securities fraud, misused powers of attorney, forgery and coerced property transfers are a few of the financial crimes that often compromise the independence, health, and financial security of vulnerable elders. Frequently, these abuses are perpetrated by those the older person trusts the most, including children, grandchildren, caregivers, attorneys, guardians, and other trusted fiduciaries.

Protecting assets, preventing avoidable losses and safeguarding consumer information are the primary responsibilities of banks and other financial institutions. For this reason, applicants may identify banks and other financial institutions as potential partners within a Model Approaches - Phase II legal service delivery system. Activities under these partnerships may include:

- Creating educational consumer campaign programs that specifically target the elderly and define the signs/indicators of elder financial abuse in language that is easy to understand.
- Developing empowerment strategies, including the creation of financial literacy programs for seniors that equip them to be better able to identify instances of elder financial abuse.
- Developing educational programs for front line staff to assist them in detecting suspicious elderly customer account transactions and how to report suspicious incidents to the appropriate agency.
- Assisting in the identification of suitable Representative Payees and developing training for family caregivers that addresses their responsibilities as fiduciaries.

- Promoting cross training activities between legal providers, law enforcement, SLHs, ADRCs, AAAs, APS, and LTC Ombudsman addressing legal responses to financial exploitation.
- Promoting the involvement of financial services professionals on multidisciplinary teams designed to facilitate collaborative responses to complex issues of financial exploitation.
- Assisting in the production and dissemination of training and resource materials to educate stakeholders across the financial sector about rules and regulations regarding the reporting of elder financial abuse and the ability to share information across agencies and business sectors.

If the applicant proposes to establish a partnership with a financial institution to engage in specified activities related to elder abuse identification and response, a letter of commitment from the financial institution is required. The applicant may reference the following resources to aid in responding to this portion of the FOA:

<http://www.bits.org/publications/doc/BITS-RoundtableAtRiskAdultTrainingCurriculumJan2013.pdf>.

As applicants consider opportunities for partnership/collaborations with elder abuse prevention organizations/entities, it is important to note that four states (AL, NY, TX, CA ) and three tribal entities (Tohono O'odham Nation, Poarch Band of Creek Indians, and Winnebago Tribe of Nebraska) have ACL-funded Elder Abuse Prevention grants. If applicable, applicants should describe their intent to coordinate Model Approaches Phase II activities with the goals and objectives of this preexisting ACL grant initiative.

<http://ncea.aoa.gov/About/News/docs/ElderAbusePreventionGrants2012.pdf>

## **8. Partnerships in Improving Systems of Guardianship**

The enhanced ability of legal and aging networks to effectively identify and respond to instances of abuse, neglect, and financial exploitation by surrogate decision makers is an essential feature of a Model Approaches-Phase II legal service delivery system.

Applications should describe plans to develop interdisciplinary elder rights partnerships which actively involve legal services, state courts and other appropriate entities that may play an important role in identifying and responding to elder mistreatment perpetrated by court appointed guardians/conservators and other surrogate decision makers.

Currently, state laws across the country provide for the court appointment of guardians/conservators to protect the personal and/or financial welfare of persons who are determined to be incapacitated. The appointment of a guardian/ conservator (who may be professionals or family members) typically means that the incapacitated person loses basic rights, such as the right to contract, vote, marry or divorce, buy or sell real estate, or make decisions about their medical care or finances. State and local courts are responsible for overseeing guardians/conservators to ensure persons under guardianship are not abused, neglected, or financially exploited. Other appropriate entities such as public guardianship programs, SSA's representative payee program, and the VA's fiduciary program also play an important role in ensuring that the finances of vulnerable older adults are properly managed and overseen.

Under a limited set of circumstances when all other less restrictive alternatives are

exhausted, guardianship/conservatorship can serve as an important protection for older persons who lack the capacity to make decisions regarding their health, financial security, and overall well being. However, it is also a drastic intervention in which the guardian/conservator is given substantial authority over the lives of vulnerable persons, and such power has the potential for abuse in the absence of adequate oversight. A recent 2010 report by GAO identified hundreds of allegations of physical abuse, neglect, and financial exploitation between 1990 and 2010. In some instances, guardians also physically neglected and abused their victims. The GAO found that in over half these cases, federal agencies did not communicate effectively with each other about abusive guardians, allowing the guardian to continue the abuse of the victim.

The need for effective court oversight and monitoring of guardianship/conservatorships is driven by the demographics of the nation's aging population, as well as the growing number of adults of all ages with cognitive impairments. The older population age 65+ will be increasing rapidly from 35 million in 2000 to 40 million in 2010 (a 15 percent increase) and then to 55 million in 2020 (a 36 percent increase for that decade); and the 85+ population of "old old" is increasing even more steeply. Inevitably, more persons experiencing diminished capacity and functional limitations as they age may find themselves subject to guardianship/conservatorship proceedings by courts<sup>[9]</sup>

Despite the demographic reality that more older persons will be subject to guardianship/conservatorship in the future, a 2005 AARP Public Policy Institute survey on guardianship monitoring found that over 40 percent of courts and guardianship experts surveyed reported that few resources are allocated to visit individuals under guardianship and more than one-third said no one is designated to verify information in accounting reports. Although it is generally acknowledged that monitoring court-appointed guardians can mitigate the financial exploitation of incapacitated adults, few courts have the resources to oversee guardians to the extent needed and may be reluctant to invest in practices that have not been proven feasible or effective. <sup>[10]</sup>

In addition to challenges faced by state courts in overseeing guardians, there are also barriers to the exchange of information between courts and federal fiduciary programs, when the person has both a guardian and a representative payee. Federal agencies and state courts are mutually responsible for ensuring that fiduciaries and guardians appointed to oversee the cash benefits and other finances of incapacitated adults act in their best interest. A 2007 National Research Council report on the SSA fiduciary program emphasized the importance of information sharing between SSA and the courts in ensuring the security of federal benefits. GAO reports in 2004 and 2011 also highlighted the need to explore ways to facilitate limited types of information exchange between state courts and Representative Payee programs to prevent or remediate instances of misuse of funds by court appointed guardians and/or designated representative payees.

It is well recognized that the effective oversight and monitoring of court-appointed guardians/conservators (and other surrogate decision making arrangements) can prevent financial exploitation of incapacitated adults and stop it when it occurs. Adopting promising monitoring practices could help state courts and other appropriate oversight entities improve their ability to make guardians/conservators accountable and identify any malfeasance. To help address the current challenges in providing for effective monitoring

and oversight of surrogate decision making arrangements involving vulnerable older adults, funding under this program announcement may be used to conduct the following activities in partnership with state courts and other appropriate oversight entities:

- *The design and implementation of volunteer guardianship monitoring programs that use trained and supervised volunteers to enhance the oversight capacity of State Courts:*

Volunteers used for guardianship monitoring could assist the court in its oversight responsibilities by: (1) assuring that incapacitated persons under guardianship are receiving the care and protection they need; (2) facilitating the filing and review of guardian reports and accounts; (3) helping guardians to connect with community and court resources; and (4) making sure court records are accurate and up to date.

Recommended resource. [\[11\]](#)

- *The creation of partnerships among state courts and service providers in community-based aging and elder rights networks interested in enhancing effective legal and social service responses to elder abuse, neglect, and financial exploitation occurring under guardianship/conservatorship:*

In addition to judges and state court administrators, potential stakeholders/partners could include AAAs/ADRCs, state bar associations, civil legal service providers, LTC Ombudsmen, APS, state guardianship associations, P&A entities, state Councils on Developmental Disabilities, and other disability and mental health agencies. Such partnerships could involve activities related to: (1) the creation of effective referral protocols between state courts and protective service and aging advocacy organizations in cases involving suspected elder abuse, neglect, and exploitation; (2) the creation of formalized MOUs defining the parameters of effective collaboration and information exchange in investigations involving suspected or confirmed elder abuse; (3) the commitment to jointly train on legal and elder abuse issues impacting mutual service populations; (4) the collection and exchange of data; (5) the development of stakeholder training and cross training; (6) ongoing problem-solving; (7) the exploration of approaches to maximize rights and self-determination of people in (or at risk of) guardianship; (8) the continued evaluation of systemic needs, strengths, and weaknesses; and (9) the identification of funding for sustainability of program efforts.

If applicable, partnerships may also be formalized with *Working Interdisciplinary Networks of Guardianship Stakeholders* (WINGS) established by a state's highest court to (1) identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options; (2) address key policy and practice issues; (3) engage in outreach, education and training; and (4) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults under guardianship/conservatorship.

More information on WINGS can be found at: 2011 *Guardianship Summit Standards and Recommendations 5.1 through 5.5*. <http://www.guardianshipsummit.org/wp-content/uploads/2011/11/Final-Summit-Standards-Recommendations-5-122.pdf>

- *The development of a formalized training curriculum provided to guardians upon*

*appointment:*

Courts offering ready resources for their guardians will be less likely to encounter problems that require costly intervention and more likely to operate a smooth and effective oversight process. Areas of training could include:

- Basics of guardianship/conservatorship
- Responsibilities and duties of a guardian/conservator
- Expectations of a fiduciary
- Reporting and accountability requirements and forms
- Standards of surrogate decision-making
- Person-centered planning
- Approaches toward supported decision-making
- Aging and disability
- Elder and disability community resources
- Abuse, neglect and exploitation
- Elders navigating the court system.

Activities related to developing and implementing training curriculum for guardians and other fiduciaries should be coordinated with related federal initiatives addressing this issue.

- *The creation of partnerships between State Courts and local SSA Representative Payee programs:*

Partnerships between State Courts and SSA Representative Payee programs should involve the formalization of mutually advantageous areas of coordination and collaboration in improving surrogate systems and responding to cases of suspected financial abuse. To advance and solidify these partnerships, formalized areas of training should be directed towards improving the ability of State Court and SSA regional office personnel to coordinate/collaborate, especially on cases of financial abuse involving a guardian/representative payee. The training could involve Title III-B legal providers, APS workers, LTC Ombudsmen, LADs, P&As, and SSA/OIG addressing the following topics:

- Identification of financial exploitation in relevant assets and public benefits categories
- Possible civil legal responses to financial abuse involving guardianship/representative payee
- The role of APS services in investigating allegations of guardianship/representative payee abuse
- The role of law enforcement in responding to suspected financial abuse
- The role of LTC Ombudsmen in responding to allegations involving residents in LTC facilities
- LTC facility evictions due to financial abuse perpetrated by guardianship/representative payee
- Limits of information exchange in investigations related to financial abuse.

Funds awarded under this grant award may be allocated to the support of State Courts and/or other appropriate entities in their efforts to enhance oversight and monitoring

practices over guardians/conservators and/or representative payees. If it is anticipated that funds awarded under this grant will be used to support partnerships addressing guardianship/conservatorship oversight and monitoring practices, applications should describe; (1) the intent to contract of sub-grant with a state court or appropriate guardianship/conservatorship entity to perform selected activities; (2) the key entities to be involved in the implementation of selected activities; and (3) the objectives and anticipated outcomes of each selected activity. The application should also include a letter of commitment from the state court, guardianship/conservatorship entity, or other surrogate decision making program that will be involved in the partnership.

If funds awarded under this grant award are not allocated to advance partnership activities described in the FOA related to guardianship systems enhancement, at a minimum, the applicant must state their intent to explore partnerships/collaborations addressing guardianship/conservatorship oversight and monitoring practices as part of a Model Approaches - Phase II legal service delivery system.

The applicant may reference the following resources to aid in responding to this portion of the program announcement:

- Volunteer Guardianship Monitoring and Assistance: Serving the Court and the Community, including a program coordinator's handbook, a trainer's handbook and a volunteer's handbook: (<http://ambar.org/VolunteerGrdMonitor> ).
- *Volunteer Guardianship Monitoring Programs: A Win-Win Solution:* ([http://apps.americanbar.org/aging/publications/docs/Volunteer\\_Gdhip\\_rpt.pdf](http://apps.americanbar.org/aging/publications/docs/Volunteer_Gdhip_rpt.pdf)

## **9. Targeting and Outreach to Older Adults in Greatest Need**

The statewide ability to effectively target and conduct outreach to older persons in the greatest need is an essential feature of a Model Approaches - Phase II legal service delivery system. Targeting limited resources to those older persons in the greatest social and economic need is a central requirement that runs throughout the OAA. The directive to strategically target OAA resources is even greater for providers of legal assistance than for other aging services. Of all the services defined in the OAA, only "legal assistance" includes within its definition a specific reference that services are to go to "older individuals with economic or social needs."

Applications should describe plans to develop and implement effective targeting and outreach strategies for identifying, reaching and serving needy and hard-to-reach populations. Strategic outreach and targeting and plans completed in the first year of the project should incorporate the input of key stakeholders with knowledge and expertise in reaching specific target populations under the OAA. The stakeholders must initially establish priority legal issue areas that reflect the most critical legal needs of target populations and give priority to those issues in handling cases with limited OAA resources.

Strategic targeting and outreach planning described in applications should seek to accurately assess where the targeted groups are generally located, analyze how to best communicate the availability of legal services, and develop techniques which are most likely to encourage participation in the legal services offered. If most referrals are likely to come from secondary sources, those sources should be identified for proactive outreach efforts.



Secondary sources could include: social workers and case workers, APS workers, P&A attorneys, LTC Ombudsmen, hospital social workers and discharge planners, clergy, visiting nurses, home health agency staff, bank tellers and managers, law enforcement, and physicians.

Anticipated outreach efforts described in this proposal may include the distribution of informational materials to traditional and non-traditional access and dissemination points (e.g. senior centers, community centers, nursing homes, assisted living facilities, board and care homes, subsidized housing complexes, physicians offices; pharmacies, shopping malls, and grocery stores); the deployment of attorneys to strategic outreach sites to conduct intake and provide direct service; the use of GIS mapping technology to plot locations of under-served seniors and the targeting of those areas for community outreach events and on-site intake; and the delivery of legal service directly to home bound seniors.

Applications should describe efforts to conduct special outreach to service providers in neighborhoods with large minority populations. In addition, these proposed outreach efforts must include a strong and sustained interface with existing and concurrent aging services delivery outreach activities conducted through SUAs and AAA/ADRCs networks.

Applicants must also describe in detail the role of the LAD in leading the development and implementation of a strategic outreach/targeting plan. The strategic outreach/targeting plan may be created in tandem with the development and/or revision of legal service delivery standards/guidelines and may be incorporated into the elder rights provisions of state plans and area plans, as applicable.

## **10. Development and Implementation of Legal Service Delivery Standards**

The development of statewide legal service delivery standards/guidelines (legal standards/guidelines) is essential to the design, implementation, evaluation, and sustainability of a Model Approaches - Phase II legal service delivery system. The completion of legal standards/ guidelines serves to create common understanding among key stakeholders of the meaning and importance of legal assistance that goes beyond the general requirements set forth in the OAA and advances the following systems enhancement objectives:

- Legal standards/guidelines assist SUAs, AAAs/ADRCs, and legal providers in viewing legal assistance as an integral part of a broader role in ensuring the independence, health, and financial security of older persons.
- Legal standards/guidelines assist in developing a framework for quality assurance systems of operations, monitoring systems, and reporting systems which reflect the services being delivered and the impact of those services on the lives and well-being of older persons.
- Legal standards/guidelines improve the quality of legal programs and provide consistency in case types and levels of service delivered across different areas within a State.
- Legal standards/guidelines establish clear policy on specific aspects of legal assistance, including priority areas or law, specific target populations, relationship to LTC Ombudsman program and elder abuse prevention activities, and the appropriate role of legal providers in guardianship and protective service proceedings.



- Legal standards/guidelines provide guidance to AAAs in developing requests for proposals, and objective criteria for selecting the best-qualified provider as required under the OAA.
- Legal standards/guidelines provide guidance for standardizing contracts which clearly set forth the responsibilities of both the AAA and the legal provider and provide uniform criteria for the monitoring and assessment of legal programs.
- Legal standards/guidelines set forth requirements enumerated in the OAA and regulations that must be supported at adequate funding levels.

In order to be optimally successful, the development and implementation of legal standards/guidelines must be a cooperative effort involving all stakeholders who will be guided by relevant provisions, including (but not limited to) SUA directors, LADs, AAA/ADRCs, SLHs, and legal assistance providers. The development and implementation process must also include diverse members of aging, legal, and elder abuse prevention networks that have a wide range of experience and knowledge of the needs of various target populations including; (1) institutional care and assisted living residents; (2) APS clients; (3) older persons with mental illness; (4) older persons with disabilities; (5) older persons that have transitioned to home and community based settings; (6) older persons at risk of guardianship/conservatorship; (7) older persons inappropriately under guardianship/conservatorship; and (8) older persons suffering abuse, neglect, and exploitation under guardianship/conservatorship.

The applicant should describe a plan to convene a group of key stakeholders from aging/disability, legal, and elder abuse prevention networks to develop and implement legal standards/guidelines. If legal standards/guidelines were previously developed and implemented during Model Approaches - Phase I, the plan should describe the intent to review current legal standards to determine if sufficient emphasis is placed on current and emerging priority issues, including the prevention of and responses to legal problems emerging from elder abuse, neglect, and financial exploitation.

The plan should also describe in detail the role of the LAD in leading the development and implementation of legal standards/guidelines. New or revised legal standards/guidelines should be completed no later than the end of year two of the project period.

## **11. Development of Legal Data Collection and Reporting Systems**

The development of reporting systems that collect uniform and reliable data on the provision and impact of legal assistance is essential to the long term sustainability of Title III-B funded legal service delivery systems across the country. Progress toward the development and implementation of a legal data collection and reporting system is therefore an essential feature of a Model Approaches - Phase II legal service delivery system. A carefully developed and meaningful reporting system for legal assistance programs can serve a number of essential purposes that may include:

- *Demonstrating Compliance with Federal and/or State Requirements:* Legal data collection and reporting systems are able to provide the programmatic information necessary to determine whether a given legal assistance program complies with federal and/or state requirements.
- *Demonstrating Targeting of Services:* Legal data collection and reporting systems can

be used to indicate the extent to which legal services are being effectively targeted. These systems can help providers, AAAs, and SUAs to determine if limited legal assistance resources are being used to provide services to those older individuals in greatest social or economic need.

- *Demonstrating Legal Program Accountability:* A legal data collection and reporting system can be used to demonstrate Title III-B legal provider compliance with contractual obligations to its funding source. Accountability includes a determination of whether priority legal problems are being addressed, as well as the identification of target populations represented among the clients. Accountability may also include a determination of whether unmet legal needs exist within a given service area.
- *Demonstrating Legal Program Quality:* A legal data collection and reporting system can gather information useful in evaluating the overall quality of a legal program. The SUAs and AAAs can use information to gauge whether a legal program is delivering high quality legal representation on high priority issues impacting older persons most in need.
- *Demonstrating the Value and Impact of Title III-B Legal Assistance:* A legal data collection and reporting system can gather information useful in demonstrating the quantifiable value of legal assistance programs to current and potential funders. This data can also be used to significantly increase the visibility of legal assistance programs and to strengthen community support for the maintenance and expansion of these programs.

Applications should include the intent to create a comprehensive *legal data collection plan* that outlines the anticipated development and implementation of a uniform statewide legal data collection and reporting system. The plan should include: (1) a clear description of the role of the LAD in leading the creation of the legal data collection/reporting system; (2) the identified individuals with the necessary knowledge and expertise to be involved in the development and implementation process; (3) the identification and/or estimation of resources necessary to develop a legal data collection/reporting system; (4) the anticipated challenges in the development and implementation of the legal data collection/reporting system; (5) the commitment to research and consult other states that have successfully implemented a data collection/reporting system; (6) a commitment to seek assistance from the NLRC and other appropriate experts on the development and implementation of legal data collection/reporting systems; and (7) a commitment to coordinate development efforts with national initiatives developing legal data collection and reporting guidelines.

Using the legal data collection plan as a foundation, funding under this program announcement may be used to begin the development and implementation of a uniform legal data collection/reporting system, in coordination with national efforts to develop and disseminate legal data collection/reporting guidelines.

## **12. Development and Implementation of a Statewide Legal Training Agenda**

Enhancing the ability of professionals and advocates from both aging/disability services and legal services networks to have access to quality training on legal and elder rights issues impacting older adults and people with disabilities is an essential feature of a Model Approaches- Phase II legal service delivery system.

Applications should include plans to develop a comprehensive *statewide legal training*

*agenda* that will make a wide range of training and educational opportunities available to professionals and advocates in law and aging. Audiences targeted to receive legal training could include: LADs, Title III-B attorneys, LSC attorneys, SLH attorneys, pro bono attorneys, elder law and consumer law attorneys in the public and private sectors, law enforcement, members of the judiciary and state court personnel, aging/disability services staff of AAAs/ ADRCs, APS investigators, P&A attorneys, Social Security Representative Payee program staff, court appointed guardians/conservators, LTC Ombudsmen, employees of financial institutions, medical/legal partnerships, employees and volunteers of organizations providing legal and/or aging/disabilities services to older persons (including low income minorities and Native Americans), older consumers, and other professionals and advocates within organizations serving older persons and people with disabilities.

Priority training topics could include:

- Legal issues impacting older persons and people with disabilities including the application of laws related to long-term care provided in institutional and home and community based settings, the financing of health care and long-term care through Medicare/Medicaid; the implementation of the Affordable Care Act, and income security related to the procurement and maintenance of public benefits.
- Legal issues impacting older persons and people with disabilities including the application of laws related to home foreclosure prevention and predatory mortgage lending practices; fair debt collection practices and debt collection harassment; bankruptcy, affordable housing and public housing discrimination; and home utilities.
- Legal issues impacting older persons and people with disabilities including the application of laws related to health care fraud, mortgage related fraud, investment fraud, telemarketing and mail fraud, securities fraud, internet fraud, identity theft, and other financial crimes.
- Legal issues impacting older persons and persons with disabilities including the application of laws related to the abuse, neglect, self-neglect, and financial exploitation of vulnerable older adults; guardianship/conservatorship and other surrogate decision making issues; advanced directives and planning for incapacity; asset recovery; revocation of POAs; end-of-life care; and the delivery of OAA services.

The comprehensive statewide legal training agenda should be completed in the first project year. The training agenda should include the anticipated topics and number of training sessions; the audiences to receive training; methods to measure the quality, usefulness, and outcomes of the training events; and a commitment to disseminate training materials for the professionals and advocates in law and aging who attend the training events. The statewide legal training agenda may be developed and implemented in coordination with the implementation of legal service delivery standards/guidelines.

Applications must describe in detail the role of the LAD in leading the development and implementation of the statewide legal training agenda. Applications should also describe plans to seek opportunities to collaborate with the NLRC on the development and implementation of the statewide legal training agenda. The NLRC's ability to provide various aspects of resource support, including training, cases consultation, systems development TA, and other informational resources, should be leveraged to the greatest

degree possible to achieve a well trained, cohesive, and optimally responsive Model Approaches - Phase II legal service delivery system.

### **13. Documenting Outcomes of Legal Service Delivery System**

The comprehensive implementation of a Model Approaches - Phase II legal service delivery system should result in measurable improvements in statewide legal service delivery for older persons most in need (including older persons with disabilities) who are experiencing challenges resolving priority legal issues. Applicants should describe achievable and measurable outcome(s) for each objective under Model Approaches- Phase II, as follows:

- *Complete a Legal Systems Capacity Assessment:* Grantees will collect and use information and data on the capacity of current legal delivery systems to meet the most critical legal needs previously identified in Model Approaches - Phase I to guide the growth, evolution, and sustainability of the Model Approaches - Phase II legal service delivery systems.

*Systemic Outcome(s):* Applications should include plans to analyze the data results of statewide capacity assessments in view of previously obtained legal needs assessment data in order to identify gaps in “priority” legal service delivery to target groups under the OAA. This objective will be achieved, with anticipated systemic impact, upon the completion of a *legal needs and systems capacity report* setting forth achievable recommendations for addressing identified legal service delivery challenges. In addition to addressing various high priority legal issue areas, the legal needs and systems capacity report should include recommendation(s) to improve statewide service delivery on legal issues emerging from cases of elder abuse, neglect, and financial exploitation. Progress made in implementing recommendations during the project period may be documented in semi-annual reports and may be considered systemic outcome(s) under the objective for purposes of this project.

- *Integrate Low Cost Mechanisms into Legal Service Delivery System:* Grantees will develop, expand, and sustain well integrated and cost effective legal service delivery systems that effectively leverage and calibrate low cost service delivery mechanisms (i.e. SLHs, pro-bono volunteer attorneys, law school clinics, reduced fee panels etc...) that are optimally responsive to priority legal issues, including complex issues emerging from cases of elder abuse, neglect, and financial exploitation.

*Systemic Outcome(s):* Applications should include plans for quantifying the legal service delivery impact of the low cost service delivery mechanisms within the Model Approaches - Phase II legal service delivery system. Applications must demonstrate how integrated low cost mechanisms will enhance overall statewide legal service delivery capacity and expand *access* to legal services that address priority issues for older persons, particularly for those in greatest social or economic need. This objective will be achieved, with anticipated systemic impact, upon the compilation of information on the types of priority legal issues being addressed; the target populations being reached; and the impact that legal service delivery provided through low cost mechanism(s) has on the independence, health, and financial security of older persons, including the impact of assistance provided in cases of elder abuse, neglect, and financial exploitation. Voluntarily submitted data provided in semi-annual reports on target groups receiving assistance on priority legal issues (and the associated beneficial impact) may be considered systemic outcomes under the objective for

purposes of this project.

- *Develop Innovative Outreach and Targeting Strategies/Techniques:* Grantees will develop and use innovative outreach and targeting strategies/techniques designed to identify and serve the most hard-to-reach older adults.

*Systemic Outcome(s):* Applications should include plans to develop innovative outreach and targeting strategies/techniques designed to identify and serve the most hard-to-reach older adults, including the use of GIS mapping and non-traditional outreach methods and venues to enhance overall legal service accessibility. This objective will be achieved, with anticipated systemic impact, upon the completion and implementation of a *strategic outreach and targeting plan* that accurately sets forth where the targeted groups are located; the best methods to communicate the availability of legal services; the techniques that are most likely to encourage participation in the legal services offered; and the projected number of individuals in target groups to be reached with information or onsite intake/services. Vital aging/disabilities and legal service delivery entities conducting outreach activities within the Model Approaches - Phase II legal service delivery systems should also be identified in the strategic outreach/targeting plan. Voluntarily submitted data provided in semi-annual reports on target groups reached and provided with “priority” legal services may be considered systemic outcomes under the objective for purposes of this project.

- *Complete Legal Service Delivery Standards/Guidelines:* Grantees will complete the development and full implementation of legal service delivery standards/guidelines that are designed to ensure high quality, high impact, and consistent legal service delivery statewide.

*Systemic Outcome(s):* Applications should include plans to develop and fully implement legal service delivery standards/guidelines in the second project year. This objective will be achieved, with anticipated systemic impact, upon the completion and/or revision of a legal standards/guidelines that clearly define targeting and outreach objectives; promote greater overall understanding of legal issue priorities under the OAA; provide guidance for the structure and substance of RFPs and providers contracts; place greater emphasis on legal responses to elder abuse, neglect, and financial exploitation; and provide the foundation for statewide legal data collection and reporting systems. All documented service delivery systems enhancements that may emerge from the implementation of legal standards/guidelines may be considered systemic outcomes under the objective for purposes of this project.

- *Develop a Statewide Legal Data Collection and Reporting System:* Grantees will complete a framework for and begin the development of uniform statewide legal data collection and reporting systems that measure program outcomes and demonstrate the beneficial impact legal services have on the independence, health, and financial security of seniors.

*Systemic Outcome(s):* Applications should include the intent to create a formalized *legal data collection plan* outlining the prospective development of a uniform statewide legal data collection and reporting system. The plan should include: (1) a clear description of the role of the LAD in leading the creation of the legal data collection/reporting system; (2) the

identified stakeholders with the necessary expertise to be involved in the development and implementation of the legal data collection/reporting system; (3) the identification of resources necessary to develop a statewide legal data collection/ reporting system; (4) the anticipated challenges in the development of the statewide legal data collection/reporting system; (5) the commitment to research and consult other states that have successfully implemented a statewide data collection/reporting system; and (6) a commitment to seek assistance from the NLRC and other appropriate experts on the development and implementation of statewide legal data collection/reporting system. At a minimum, the creation of a formalized legal data collection plan, produced through the leadership of the LAD and input from appropriate stakeholders, will represent an initial systemic outcome for purposes of this project. Documented progress towards the implementation of a statewide legal data collection/reporting system may also represent a systemic outcome for purposes of this project

- *Create Partnerships with Aging/Disability and Elder Rights Networks:* Grantees should seek effective and enduring partnerships with social, legal, and medical professionals/entities within aging/disability and elder rights networks that have an interest in enhancing effective legal responses to elder abuse, neglect, and financial exploitation, including but not limited to: AAAs/ADRCs, APS, LTC Ombudsman, P&A entities, SSA/OIG, legal-medical partnerships, Alzheimer's programs, financial institutions and other entities that have a role in protecting the rights of vulnerable older adults and people with disabilities.

*Systemic Outcome(s):* Applications should include plans to develop formalized memorandums of agreement, contracts/grants, or other formal protocols of cooperation/collaboration demonstrating the commitment of partnering entities to jointly achieve identified objectives. The existence of formalized documents demonstrating the creation of concrete partnerships will represent a systemic outcome under the objective for purposes of this project. In addition, data collected illustrating the number of persons in target groups receiving assistance in resolving problems related to elder abuse, neglect, and financial exploitation as a result of the formalized partnership may also represent systemic outcomes for purposes of this project

- *Partnerships with entities involved in Guardianship/Conservatorship:* Grantees will develop interdisciplinary elder rights partnerships which actively involve legal services, state courts and other appropriate entities that may play an important role in identifying and responding to elder abuse, neglect, and financial exploitation perpetrated by court appointed guardians/conservators and other surrogate decision makers.

*Systemic Outcome(s):* Applications should include plans to develop formalized memorandums of agreements, contracts/grants, or other formal protocols of cooperation/collaboration demonstrating the commitment of partnering entities to effectively respond to abuse, neglect, and financial exploitation perpetrated by Guardians/Conservators and other surrogate decision makers. The existence of documents demonstrating the creation of a formalized partnership will represent a systemic outcome for purposes of this project. In addition, data collected illustrating the number of persons in target groups receiving assistance in resolving problems related to elder abuse,

neglect, and financial exploitation as a result of the formalized partnership may represent systemic outcomes under the objective for purposes of this project.

- *Establish a Statewide Legal Training Agenda:* Grantee will establish a statewide legal training agenda focusing on priority legal issues under 307(a) (11) (E) of the OAA (including elder abuse, neglect, and financial exploitation), involving AAA/ADRCs, Title III-B legal providers, SLHs, APS, LTC Ombudsman, state courts, regional SSA offices, SSA/OIG and other entities that have a role in protecting vulnerable older adults

*Systemic Outcome(s):* Applications should include plans to develop a comprehensive *statewide legal training agenda* that includes a description of: (1) the role of the LAD in developing and implementing the training agenda; (2) the input of stakeholders with appropriate expertise in developing the training agenda; (3) the priority legal issues to be trained on, including legal issues emerging from elder abuse, neglect, and financial exploitation; (4) the audiences to receive legal training on priority issues; (5) the anticipated venues, forums, and timetables for training events; and (6) the intent to measure the quality, usefulness, and overall outcomes of the training events. The documented existence of a formalized statewide legal training agenda (containing the aforementioned elements) will represent a systemic outcome under the objective for purposes of this project. In addition, data collected after conducting planned training events indicating the quality and usefulness of the training and associated educational materials may be considered systemic outcomes for purposes of this project.

Applications may present additional outcomes measures associated with the objectives of the Model Approaches - Phase II legal service delivery system, as appropriate. Grantees may submit formalized underlying documents (e.g. needs/capacity reports, outreach/targeting plan, legal training agenda, legal standards/guidelines etc ...), demonstrating “systemic outcomes” as attachments to semi-annual program reports required during the project period.

#### **14. Use of ACL Resource Centers**

ACL hosts a number of resource centers where professionals and advocates who serve older adults and persons with disabilities can obtain valuable assistance in efforts to enhance access to aging and legal services, including efforts to effectively identify and respond to legal issues emerging from abuse, neglect, and financial exploitation. The following ACL-funded Resource Centers are committed to meeting the unique needs of the elderly and people with disabilities and may be useful sources of information to aid in the development and implementation of a Model Approaches Phase II legal service delivery system:

- *The National Legal Resource Center (NLRC)* is committed to providing a national legal assistance support system to aging advocacy networks. The NLRC’s supports aging and legal organizations in their efforts to ensure effective, accessible, and quality legal assistance for older persons in the most social or economic need. Comprehensive resource support is available through the NLRC to SUAs, LADs, LTC Ombudsmen, AAA /ADRC staff, Title III-B legal providers, LSC providers, SLH, and other professionals who protect the rights of the elderly and people with

disabilities. NLRC provides resource support on “high impact” legal issues such as advance directives, elder abuse, consumer protection, financial security, guardianship, healthcare, housing, and long term care financing. The NLRC unites the experience of five national organizations: the ABA Commission on Law and Aging, Center for Elder Rights Advocacy, the National Consumer Law Center, the National Senior Citizens Law Center and the Center for Social Gerontology. Direct Technical Assistance relevant to completing the goal and objectives of the Model Approaches Phase II can be accessed at: [www.nlrc.aoa.gov](http://www.nlrc.aoa.gov)

- The *National Center on Elder Abuse (NCEA)* is a national resource center committed to addressing elder abuse, neglect, and financial exploitation. NCEA’s mission is to distribute and publicize elder abuse information to the general public and elder abuse prevention professionals. The NCEA provides training to states and community based organizations and brings elder abuse professionals to the table to collaborate on best practices for protecting older adults from all forms of elder mistreatment. Resources are available through the NCEA to aid in completing objectives of Model Approaches Phase II related to the prevention and responses to elder abuse: [www.ncea.aoa.gov](http://www.ncea.aoa.gov)
- The *National Long-Term Care Ombudsman Resource Center (NORC)* provides support, technical assistance and training to the 53 State Long-Term Care Ombudsman Programs and their statewide networks of almost 600 regional (local) programs. The Center's objectives are to enhance the skills, knowledge, and management capacity of the State programs to enable them to handle residents' complaints and represent resident interests (individual and systemic advocacy). For more information regarding the NORC, please visit: <http://www.ltombudsman.org>
- The ACL currently funds three *Resource Centers for Older Indians, Alaska Natives, and Native Hawaiians*. These centers provide culturally competent health care, community-based long-term care, and related services. They serve as the focal points for developing and sharing technical information and expertise for Native American organizations, Native American communities, educational institutions, and professionals working with elders:
  - University of North Dakota - Since 1994, the ACL has funded the National Resource Center on Native American Aging, University of North Dakota. A culturally sensitive staff and national steering committee govern the Resource Center. Further information regarding this resource center may be accessed at: <http://ruralhealth.und.edu/projects/nrcnaa/>
  - University of Alaska-Anchorage - The ACL has funded the National Resource Center on Native American Aging at the University of Alaska-Anchorage since 2003. Additional information regarding this resource center may be accessed at: <http://elders.uaa.alaska.edu/about.htm>
  - University of Hawaii - The National Resource Center for Native Hawaiian Elders was established in 2006 under a grant from the ACL to the University Of Hawaii School Of Social Work. Additional information regarding this resource center may be accessed at: <http://manoa.hawaii.edu/hakupuna/>
- The *National Adult Protective Services Resource Center (NAPSRC)* helps state and



local adult protective services systems, agencies and staff across the nation respond more quickly and intervene more effectively in cases of adult abuse, neglect, and exploitation by providing current and relevant information and support. The center:

- Identifies evidence-based practices for APS programs and interventions
- Compiles research relevant to APS programming
- Provides technical assistance to state and local APS programs
- Hosts training webinars
- Reports on promising practices in APS
- Hosts a list-service (“list-serv”) to communicate directly with APS professionals nationally.

The NAPSRC also provides technical assistance to state and local APS programs and NAPSRC members, which may range from assistance with identifying training or policy resources, linking programs with a specific resource expert, or providing targeted best practices. Further information about the NAPSRC may be found at:

<http://www.napsa-now.org/resource-center/httpwww-napsa-now-orgresource-center/>

- The *National Disability Rights Network (NDRN)* is the national membership association of the federally-mandated P&As. NDRN supports its member organizations by, among other roles, providing training and technical assistance, legal support and legislative advocacy regarding state guardianship law, which may include examples of abuse as a result of unnecessary guardianship or neglect as a result of a guardian’s financial mismanagement. Further information about the NDRN can be found at: <http://ndrn.org/>.
- The *ADRC-TAE Resource Center* provides a wide range of informational resources on the integration or coordination of existing aging and disability service systems, including ADRC programs that raise visibility about the full range of options that are available to the elderly and disabled, provide objective information, advice, counseling and assistance, empower people to make informed decisions about their long term supports, and help people more easily access public and private long term supports and services programs. Further information about the ADRC-TAE Resource Center can be found at: <http://www.adrc-tae.org/tiki-index.php?page=ADRCHomeTest>

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[1] Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans. Legal Services Corporation. Washington, DC: September 2009

[2] [http://www.legalhotlines.org/dir\\_listing/productivity/Complete%20Packet%20of%20Senior%20Legal%20Hotline%20Reporting%20Instructions%20CY%202010.pdf](http://www.legalhotlines.org/dir_listing/productivity/Complete%20Packet%20of%20Senior%20Legal%20Hotline%20Reporting%20Instructions%20CY%202010.pdf)

[3] [http://apps.americanbar.org/legalservices/probono/family\\_law\\_report.pdf](http://apps.americanbar.org/legalservices/probono/family_law_report.pdf)

[4] 42 U.S.C. § 15043(a)(1) (2006).

[5] 42 U.S.C. § 15043(a)(2)(A)(i).

[6] 42 U.S.C. §§ 15043(a)(2)(1) & (J).

[7] For more information about the P&A system, see National Disability Rights Network, The P&A/CAP Network, <http://www.napas.org/en/about/paacap-network.html>, (last visited Feb. 4, 2012).

[8] The others are as follows (listed chronologically as created):

- The Client Assistance Program (CAP), established by 1984 amendments to the Rehabilitation Act. Rehabilitation Amendments of 1984, Pub. L. No. 98-221, Tit. I, § 113, 98 Stat. 20 (1984) (codified as amended at 29 U.S.C. § 732 (2006)).
- Protection and Advocacy for Individuals with Mental Illness (PAIMI), created by Congress in 1986. Protection and Advocacy for Mentally Ill Individuals Act of 1986, Pub. L. No. 99-319, §§ 101-402, 100 Stat. 478 (codified as amended at 42 U.S.C. §§ 10801-07 (2006)). The Act was amended in 2000 to allow P&As to serve not just those individuals with mental illness who live in residential "facilities," 42 U.S.C. § 10802(3), but also those who reside in the community, including in "their own home." Children's Health Act of 2000, Pub. L. No. 106-310, § 3206(b)(1)(B)(iv), 114 Stat. 1101, 1194 (codified as amended at 42 U.S.C. § 10802(4)(B)(ii) (2006)).
- Protection and Advocacy for Individual Rights (PAIR), established by Congress under the Rehabilitation Act Amendments of 1992 (Pub. L. No. 102-569, § 510, 106 Stat. 4344, 4430 (1992) (codified as amended at 29 U.S.C. § 794(E) (2006)), authorizes P&As to serve persons with disabilities who are not eligible for services under the PADD, PAIMI, and CAP programs. With the addition of PAIR authorization and funding, the P&As now serve people with all types of disabilities.
- Protection & Advocacy for Assistive Technology (PAAT) was created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act, Pub. L. No. 100-407, 102 Stat 1044 (1988) to include funding for P&As to provide protection and advocacy services to assist individuals with disabilities in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services. Technology-Related Assistance for Individuals with Disabilities Amendments of 1994, Pub. L. No. 103-218, § 102(7)(1), 108 Stat 50, 63, 67-68 (codified as replaced and amended at 29 U.S.C. §§ 3004(A) & 3002(12) (Definition of "Protection and Advocacy Services").
- Protection & Advocacy for Beneficiaries of Social Security (PABSS) was established in 1999 when Congress enacted the Ticket to Work and Work Incentive Improvement Act, Pub. L. No. 106-170, 113 Stat 1860 (codified as amended at 42 U.S.C. §§ 1320s-19, 1320s-19 NOTE, 1320s-20, 1320s-21, & 1320s-22 (2006 & Supp. III 2009), which included provisions granting the P&A programs the authority to provide advocacy and other services to assist beneficiaries of Social Security secure or regain gainful employment.
- Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) was added to the P&As' domain in 2002 to make protection and advocacy services available to individuals with traumatic brain injury. Child. Health Act of 2000, Pub. L. No. 106-310, § 1305, 114 Stat. 1141 (codified as amended at 42 U.S.C. § 300D-53 2006 & Supp. II 2008)). Although P&As often served such individuals under programs, the PATBI funding provides more resources specifically to address the

unique needs of this population.

- Protection & Advocacy for Voting Accessibility (PAVA), established in 2003 as part of the Help America Vote Act of 2002, Pub. L. No. 107-252, § 291, 116 Stat 1666 (codified at 42 U.S.C. § 15461 (2006)), requires P&As to help ensure that individuals with disabilities participate in the electoral process, including registering to vote, having access to polling places, and casting their ballots.

[9] U.S. Administration on Aging, *A Profile of Older Americans: 2009*, <http://www.aoa.gov/AoARoot/AgingStatistics/Profile/2009/2.aspx>.)

[10] <http://cc.bingj.com/cache.aspx?q=guardianship+monitoring+a+national+survey+AARP+public+policy+institute&d=5043949600243744&mkt=en-US&setlang=en-US&w=3d>

[11] Volunteer Guardianship Monitoring and Assistance: Serving the Court and the Community [http://www.americanbar.org/content/dam/aba/uncategorized/2011/vol\\_gshipvolunteer1026.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/uncategorized/2011/vol_gshipvolunteer1026.authcheckdam.pdf)

## II. Award Information

Funding Instrument Type:	Cooperative Agreement
Estimated Total Funding:	\$1,071,000
Expected Number of Awards:	6
Award Ceiling:	\$178,500 Per Budget Period
Award Floor:	\$178,500 Per Budget Period
Average Projected Award Amount:	\$178,500 Per Budget Period

### Length of Project Periods:

36-month project with three 12-month budget periods

### Additional Information on Awards:

Awards made under this announcement are subject to the availability of Federal funds.

ACL plans to award approximately (6) cooperative agreements to support eligible states in intensified efforts to create and sustain legal service delivery systems that are optimally responsive to priority legal issues impacting older adults most in need. The awards will be cooperative agreements requiring close cooperation between ACL and project grantees. The grantees and ACL will work cooperatively to determine the priority activities to be completed by the project and to modify and execute the project work plans for each year of the project period. Each cooperative agreement will be funded at a federal share of approximately \$178,500 per year for a project period of three years, contingent upon the availability of federal funds and satisfactory performance. Applicants should provide a budget for each 12-month budget period comprising the anticipated 3 year project period.

### A. For this cooperative agreement, the grantee's involvement will include:

- Continue the development and evolution of the legal service delivery system previously implemented under Model Approaches- Phase I towards a Model Approaches- Phase II legal service delivery system that promotes greater accessibility for older adults presenting “priority” legal issues; seamless systemic integration of vital low cost legal service delivery mechanisms; precise targeting and outreach to older adults in the greatest social or economic need; improved responsiveness to legal issues that emerge from elder abuse, neglect, and financial exploitation; expanded knowledge and expertise of aging and legal service providers; implementation of legal service delivery standards/guidelines, and measurable legal program results that demonstrate a tangible impact on the independence, health, and financial security of older adults;
- Compiling and using information/data on the capacity of current legal delivery systems to meet the most critical legal needs previously identified in Model Approaches - Phase I, in order to guide the development, implementation, and sustainability of a Model Approaches - Phase II legal service delivery system;
- Developing, implementing, and sustaining well integrated and cost effective legal service delivery systems that leverage and calibrate low cost service delivery mechanisms (i.e. SLHs, pro-bono volunteer attorneys, law school clinics, reduced fee panels etc...) to be optimally responsive to priority legal issues, including complex issues emerging from cases of elder abuse, neglect, and financial exploitation;
- Developing innovative outreach and targeting strategies/techniques designed to identify and serve the most hard-to-reach older adults;
- Completing the development and full implementation of legal service delivery standards/guidelines that are designed to ensure high quality, high impact, and consistent legal service delivery statewide;
- Completing the framework for implementing a statewide legal data collection and reporting system that measures program outcomes and demonstrates the beneficial impact legal services have on the independence, health, and financial security of older adults;
- Forming effective and enduring partnerships/linkages with social, legal, and medical service professionals and advocates within elder rights networks that have an interest in enhancing effective legal responses to elder abuse, neglect, and financial exploitation;
- Establishing a statewide legal training agenda focusing on priority legal issues under 307(a) (11) (E) of the OAA and involving AAAs/ADRCs, Title III-B legal providers, SLHs, APS, LTC Ombudsmen, P@As, state courts, regional SSA offices, SSA/OIG, financial institutions and other entities that have a role in protecting vulnerable older adults.

**B. For this cooperative agreement, ACL’s involvement will include:**

- Assisting the project leadership in understanding the strategic goals and objectives, policy perspectives, and priorities of the Assistant Secretary for Aging and ACL by sharing such information on an ongoing basis via e-mail, conference calls, briefings, and other consultations;
- Providing technical assistance and support on work plan implementation issues;
- Reviewing and commenting upon all materials, reports, documents, etc. produced by

- the project with funds provided through this award;
- Providing guidance in defining project performance criteria and expectations;
- Monitoring, evaluating and supporting the projects' efforts in achieving performance goals/objectives/outcomes; and
- Reviewing the project's performance for continuation funding actions.

### **Description of ACL's Anticipated Substantial Involvement Under the Cooperative Agreement**

Once a cooperative agreement is in place, requests to modify or amend it or the work plan may be made by ACL or the awardee at any time. Modifications and/or amendments of the Cooperative Agreement or work plan shall be effective upon the mutual agreement of both parties, except where ACL is authorized under the Terms and Conditions of award, 45 CFR Part 74 or 92, or other applicable regulation or statute to make unilateral amendments. When an award is issued the cooperative agreement terms and conditions from the program announcement are incorporated by reference.

Please see *Section IV.5 Funding Restrictions* for limitations on the use of Federal funds awarded under this announcement.

## **III. Eligibility Information**

### **III.1. Eligible Applicants**

Through this FOA, states previously involved in Model Approaches - Phase I are asked to present proposals to fully implement sustainable legal service delivery systems that demonstrate cutting edge innovations in addressing priority legal issues impacting older adults most in need. Therefore, only the 31 states that have previously received Model Approaches - Phase I funding, either through state units on aging or other eligible entities, will be eligible to apply under this FOA. The thirty one (31) eligible states are: Alabama, Alaska, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, and West Virginia.

Within an eligible state, proposals in response to this FOA will be accepted by the entity that currently houses the State Legal Assistance Developer (LAD). Each proposal must contain a detailed plan for direct and ongoing leadership involvement of the LAD in the design, implementation, evaluation, and sustainability of the Model Approaches - Phase II legal service delivery system. Further, each proposal must contain a detailed plan for ongoing collaboration between the LAD and key partners and stakeholders involved in all aspects of project design, implementation, evaluation, and sustainability.

Individuals, foreign entities, and sole proprietorship organizations are not eligible to compete for, or receive, awards under this announcement.

### III.2. Cost Sharing or Matching

Cost Sharing / Matching Requirement: Yes

Grantees must provide at least **25** percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACL (federal) share and the non-federal share. The non-federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, in order to meet the match requirements, a project requesting **\$178,500.00** in ACL (federal) funds must provide a non-federal share of the approved total project cost of at least **\$59,500.00** , which is **25** percent of total approved project cost of **\$238,000.00** .

**Note:** Grantees will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications, even when the projected non-federal commitment exceeds the required amount of matching or cost share. A grantee's failure to provide the required matching amount will result in the disallowance of federal funds. However, lack of supporting documentation at the time of application submission will not exclude the application from competitive review.

If applicable, remember, there are two types of match: 1) non-Federal cash and 2) non-Federal in-kind. In general, costs borne by the applicant and cash contributions of any and all third parties involved in the project, including sub-grantees, contractors and consultants, are considered matching funds. Volunteered time and use of facilities to hold meetings or conduct project activities may be considered in-kind (third party) donations. Examples of non-Federal cash match includes budgetary funds provided from the applicant agency's budget for costs associated with the project. ACL encourages you to not exceed the minimum match requirement. Applications with a match greater than the minimum required will not receive additional consideration under the review. Match is not one of the responsiveness criteria as noted in Section III, 3 Application Screening Criteria.

Under this Older Americans Act (OAA) program, ACL will fund no more than 75% of the project's total cost, which means the applicant must cover at least 25% of the project's total cost with non-Federal resources. In other words, for every three (3) dollars received in Federal funding, the applicant must contribute at least one (1) dollar in non-Federal resources toward the project's total cost. This "three-to-one" ratio is reflected in the formula included under Item 18 in Attachment A. You can use this formula to calculate your minimum required match. A common error applicants make is to match 25% of the Federal share, rather than 25% of the project's total cost.

ACL takes very seriously the current downturn in the nation's economy; therefore ACL may waive the matching requirement where severe hardship is documented by the applicant. If you feel unable to meet the minimum matching requirement, please provide a written justification, which explains why you cannot meet the match through cash or in-kind contributions. The written justification must be signed by your authorized representative and submitted with your application through <http://www.grants.gov>. ACL will review your request and contact you should

additional information or justification be necessary. Applicants are encouraged to make this hardship determination during the application phase; waiver requests made after awards have been issued will be reviewed on a case-by-case basis.

### III.3. Other

#### DUNS Number and System for Award Management (SAM) Requirement

All applicants must have a DUNS number ([www.dnb.com](http://www.dnb.com)) and be registered with the System for Award Management (SAM, [www.sam.gov](http://www.sam.gov)) and maintain an active SAM registration until the application process is complete, and should a grant be made, throughout the life of the award. Finalize a new, or renew an existing, registration at least two weeks before the application deadline. This action should allow you time to resolve any issues that may arise. Failure to comply with these requirements may result in your inability to submit your application or receive an award. Maintain documentation (with dates) of your efforts to register or renew at least two weeks before the deadline. See the SAM Quick Guide for Grantees at: [https://www.sam.gov/sam/transcript/ SAM Quick Guide Grants Registrations-v1.6. pdf](https://www.sam.gov/sam/transcript/SAM%20Quick%20Guide%20Grants%20Registrations-v1.6.pdf)

HHS requires all entities that plan to apply for, and ultimately receive, Federal grant funds from any HHS Agency, or receive subawards directly from recipients of those grant funds to:

- Be registered in the SAM prior to submitting an application or plan;
- Maintain an active SAM registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV; and
- Provide its active DUNS number in each application or plan it submits to the OPDIV.

The agency is prohibited from making an award until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, the agency:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

#### Application Disqualification Factors

All applications will be screened to assure a level playing field for all applicants.

Applications that fail to meet the screening criteria described below will **not** be reviewed and will receive **no** further consideration.

Applications that fail to satisfy the due date and time deadline requirements stated in *Section IV.3.Submission Dates and Times* will be deemed non-responsive and will not be considered for funding under this announcement.

See *Section IV.3. Submission Dates and Times* for disqualification information specific to electronically-submitted applications:

- Electronically-submitted applications that do not receive a date/time-stamp email indicating application submission on or before 11:59 p.m., Eastern Time, on the due



date, will be disqualified and will not be considered for competition.

- Electronically-submitted applications that fail the checks and validations at [www.Grants.gov](http://www.Grants.gov) because the Authorized Organization Representative (AOR) does not have a current registration at the System for Award Management (SAM) at the time of application submission will be disqualified and will not be considered for competition.
- The Project Narrative section of the Application must be **double-spaced**, on 8 ½" x 11" plain white paper with **1" margins** on both sides, and a **font size of not less than 11**.
- **The Project Narrative must not exceed 20 pages.** NOTE: The Project Work Plan, Letters of Commitment, and Vitae of Key Project Personnel **are not counted** as part of the Project Narrative for purposes of the 20-page limit.

Unsuccessful submissions will require authenticated verification from <http://www.grants.gov> indicating system problems existed at the time of your submission. For example, you will be required to provide an <http://www.grants.gov> submission error notification and/or tracking number in order to substantiate missing the application deadline.

## IV. Application and Submission Information

### IV.1. Address to Request Application Package

#### Address to Request Application Package

Application materials can be obtained from <http://www.grants.gov>

Please note, ACL is requiring applications for all announcements to be submitted electronically through <http://www.grants.gov>. The Grants.gov (<http://www.grants.gov>) registration process can take several days. If your organization is not currently registered with <http://www.grants.gov>, please begin this process immediately. **For assistance with <http://www.grants.gov>, please contact them at [support@grants.gov](mailto:support@grants.gov) or 1-800-518-4726 between 7 a.m. and 9 p.m. Eastern Time.** At <http://www.grants.gov>, you will be able to download a copy of the application packet, complete it off-line, and then upload and submit the application via the Grants.gov website (<http://www.grants.gov>).

Applications submitted via <http://www.grants.gov>:

- You may access the electronic application for this program on <http://www.grants.gov>. You must search the downloadable application page by the Funding Opportunity Number or CFDA number.
- At the <http://www.grants.gov> website, you will find information about submitting an application electronically through the site, including the hours of operation. ACL strongly recommends that you do not wait until the application due date to begin the application process through <http://www.grants.gov> because of the time involved to complete the registration process.
- All applicants must have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number and register in the System for Award Management (SAM). You should allow a minimum of **five days** to complete the SAM registration.



- **Note:** Failure to submit the correct suffix can lead to delays in identifying your organization and access to funding in the Payment Management System.
- Effective October 1, 2010, HHS requires all entities that plan to apply for and ultimately receive Federal grant funds from any HHS Operating/Staff Division (OPDIV/STAFFDIV) **or receive subawards directly from the recipients of those grant funds** to:
  1. Be registered in the SAM prior to submitting an application or plan;
  2. Maintain an active SAM registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV; and
  3. Provide its DUNS number in each application or plan it submits to the OPDIV.

An award cannot be made until the applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, the OPDIV/STAFFDIV:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

Additionally, all first-tier subaward recipients must have a DUNS number at the time the subaward is made.

- Since October 1, 2003, The Office of Management and Budget has required applicants to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements. It is entered on the SF 424. It is a unique, **nine-digit identification number**, which provides unique identifiers of single business entities. The DUNS number is *free and easy* to obtain.
- Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or by using this link to access a guide:  
[http://www.whitehouse.gov/sites/default/files/omb/grants/duns\\_num\\_guide.pdf](http://www.whitehouse.gov/sites/default/files/omb/grants/duns_num_guide.pdf)
- You must submit all documents electronically, including all information included on the SF424 and all necessary assurances and certifications.
- Prior to application submission, Microsoft Vista and Office 2007 users should review the <http://www.grants.gov> compatibility information and submission instructions provided at <http://www.grants.gov> (click on “**Vista and Microsoft Office 2007 Compatibility Information**”).
- **Your application must comply with any page limitation requirements described in this Program Announcement.**
- After you electronically submit your application, you will receive an automatic acknowledgement from <http://www.grants.gov> that contains <http://www.grants.gov> tracking number. The Administration for Community Living will retrieve your application form from <http://www.grants.gov>.
- After the Administration on Aging retrieves your application form from

<http://www.grants.gov>, a return receipt will be emailed to the applicant contact. This will be in addition to the validation number provided by <http://www.grants.gov>.

- Each year organizations registered to apply for Federal grants through <http://www.grants.gov> will need to renew their registration with the System for Awards Management (SAM). You can register with the SAM online and it will take about 30 minutes (<http://www.sam.gov>).

Contact person regarding this Program Announcement:

Omar Valverde  
ACL/AoA/OER  
1 Massachusetts Ave. N.W.  
Washington , DC 20201  
Phone: (202) 357-3514  
Fax: (202) 357-3549  
Email: [omar.valverde@acl.hhs.gov](mailto:omar.valverde@acl.hhs.gov)

## **IV.2. Content and Form of Application Submission**

### **Partner Standard Format and PO-Specific Format Requirements For All Applications:**

#### **Authorized Organizational Representative (AOR)**

The individual(s), named by the applicant/recipient organization, who is authorized to act for the applicant/recipient and to assume the obligations imposed by the Federal laws, regulations, requirements, and conditions that apply to grant applications or awards.

Each applicant must designate an Authorized Organizational Representative (AOR). An AOR is named by the applicant, and is authorized to act for the applicant, to assume the obligations imposed by the Federal laws, regulations, requirements, and conditions that apply to the grant application or awards.

AOR Authorization is part of the registration process at [www.Grants.gov](http://www.Grants.gov) where the AOR will create a short profile and obtain a username and password from the Grants.gov Credential Provider. AORs will only be authorized for the DUNS number registered in the System for Award Management (SAM).

#### **Point of Contact**

In addition to the AOR, a point of contact on matters involving the application must also be identified. The point of contact, known as the Project Director or Principal Investigator, should not be identical to the person identified as the AOR. The point of contact must be available to answer any questions pertaining to the application.

#### **Application Checklist**

Applicants may refer to *Section VIII. Other Information* for a checklist of application requirements that may be used in developing and organizing application materials. Details concerning acknowledgment of received applications are available in *Section IV.3. Submission Dates and Times* of this announcement.

**Follow the instructions provided in the formatting section to ensure that your application can be printed efficiently and consistently for the competitive review.**

**Observe page limitations.**

All applicants must follow the instructions provided in this section. Be sure to print all attachments (components) on paper and count the number of pages before submission. Keep the printed copy as a hard copy of your application for your files.

**ELECTRONIC APPLICATIONS SUBMITTED VIA [www.Grants.gov](http://www.Grants.gov):**

Electronic applications will only be accepted via [www.Grants.gov](http://www.Grants.gov). The Agency will not accept applications submitted via email or via facsimile. Only applications, which pass the Grants.gov validation check, will be acknowledged.

**Please read this section carefully before beginning application submission.** It is mandatory to follow the instructions provided in this section to ensure that your application can be printed efficiently and consistently for review.

**Copies Required**

Applicants must submit one complete copy of the application package electronically. Applicants submitting electronic applications need not provide additional copies of their application package.

**NOTE:** Applications submitted via [www.Grants.gov](http://www.Grants.gov) will undergo a validation check. See *Section IV.2. Application Submission Options* and *Section IV.3. Submission Due Dates and Times, Explanation of Due Dates*. The validation check can affect whether the application is accepted for review. Applications that fail the [www.Grants.gov](http://www.Grants.gov) validation check will not be transmitted to the Agency. If the application fails the validation check and is not resubmitted by 11:59 p.m., ET, on the due date, it will be disqualified.

**Signatures**

Follow the AOR Authorization and E-Biz POC instructions provided at [www.Grants.gov](http://www.Grants.gov).

**Required OMB-Approved and Standard Forms (SFs)**

[www.Grants.gov](http://www.Grants.gov) provides its own protocols for the submission of OMB-approved and Standard Forms (SFs) such as the SF-424 application and budget forms and the SF-P/PSL, Project/Performance Site Location form. See *Section IV.2. Required Forms, Assurances, and Certifications* for required OMB-approved Standard Forms and required assurances and certifications.

**Application Package Components**

Applications must be divided into the sections listed in the table. **It is important that**

**each component is submitted in a separate electronic file.** Page limitations apply to the Project Description document and the Appendices and the following:

- The Project Summary/Abstract is limited to one single-spaced page.
- The Project Narrative is limited to 20 double spaced pages.

<b>Application Package Components</b>	<b>Page Limitations</b>
Required Standard Forms (SFs) and/or OMB-approved Forms	No page limitations.
Required Certifications and Assurances	No page limitations.
Project Summary/Abstract	One page limitation, single-spaced, font size of no less than 11 point
Project Narrative	<b>20 pages in double-spaced format with a font size of no less than 11-point and included items are listed later in this section.</b> The 20 page project description <i>does not</i> include the project abstract/summary, table of contents, appendix, budget and budget narrative, or the standard forms.
Budget Justification	Submit a 3-5 year budget in accordance with program announcement requirements with line-item detail with justification narrative. <b>The Budget Justification should be no longer than 10 pages.</b>
Proof of Legal Status/Proof of Non-Profit Status	No page limitations.

The required content of the Project Narrative and any Appendices, and their page limits, are listed later in this section.

With the exception of the required Standard Forms (SFs), all application materials must be formatted so that they will print out onto 8 ½" x 11" white paper with 1-inch margins. **All pages of the application component, i.e., Project Narrative, Budget Justification, Appendices, must be sequentially numbered.** Applicants should print all attachments on paper and count the number of pages before submitting the application. Applicants should keep a hard copy of the submitted application package for their files.

All elements of the application submission, with the exception of the one-page Project Summary/Abstract, the Budget Justification, required Assurances and Certifications, and proof of legal status/non-profit status, must be in double-spaced format in 11-point font.

The Project Summary/Abstract is required to be one single-spaced page in a font size not less than 11-point. The Budget Justification may be single-spaced, in a font size not less than 11-point and should be no more than 10 pages.

**Applicants must follow the instructions provided in this section:**

**Carefully observe the file naming conventions required by [www.Grants.gov](http://www.Grants.gov).**

Limit file names to 50 characters and do not use special characters (example: &,-,\*,%/,#) including periods (.), blank spaces, and accent marks, within application form fields, and file attachment names. An underscore (\_) may be used to separate a file name.

**Use only file formats supported by the Agency.**

It is critical that applicants only submit application components using the supported file formats listed here. Documents in file formats that are not supported by the Agency will be removed from the application and will not be used in the competitive review. This may make the application incomplete and the Agency will not make any awards based on an incomplete application.

**The Agency supports the following file formats:**

- Adobe PDF – Portable Document Format (.pdf)
- Microsoft Word (.doc or .docx)
- Microsoft Excel (.xls or .xlsx)
- Microsoft PowerPoint (.ppt)
- Image Formats (.JPG, .GIF, .TIFF, or .BMP only)

**Do not encrypt or password protect the electronic application files!**

If the Agency cannot access submitted electronic files because they have been encrypted or are password protected, the affected file will be removed from the application and will not be used in the competitive review. This may make the application incomplete and the Agency will not make any awards based on an incomplete application.

**Required Forms, Assurances, and Certifications**

**Applicants seeking grant or cooperative agreement awards under this announcement must submit the listed Standard Forms (SFs), assurances, and certifications with the application.** All required Standard Forms, assurances, and certifications are available at [Grants.gov](http://Grants.gov) [Forms Repository](#) unless specified otherwise.

Forms / Assurances / Certifications	Submission Requirement	Notes / Description
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Work plan	Submit 3-5 year work plan in accordance with the funding opportunity announcement requirements	
DUNS Number (Universal Identifier) and Systems for Award Management (SAM) registration.	<p>Required for all applicants. A DUNS number is required of all applicants. To obtain a DUNS number, go to <a href="http://fedgov.dnb.com/webform">http://fedgov.dnb.com/webform</a>.</p> <p>SAM registration is available at <a href="http://www.sam.gov">http://www.sam.gov</a>. Active registration at SAM must be maintained throughout the application and project award period.</p>	<p>A DUNS number and SAM registration are eligibility requirements for all applicants.</p> <p>See <i>Section III.3. Other</i> for information on obtaining a DUNS number and registration at <a href="http://www.sam.gov">http://www.sam.gov</a>.</p>
Certification Regarding Lobbying	Submission required of all applicants with the application package. If it is not submitted with the application package, it may also be submitted prior to the award of a grant.	Submission of this Certification is required for all applications.
SF-424A - Budget Information - Non-Construction Programs and SF-424B - Assurances - Non-Construction Programs	Submission is required for all applicants when applying for a non-construction project. Standard Forms must be used. Forms must be submitted by the application due date.	Required for all applications when applying for a non-construction project. By signing and submitting the SF-424B, applicants are making the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination.

SF-424 - Application for Federal Assistance	Submission is required for all applicants by the application due date.	Required for all applications.
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## **Additional Assurances and Certifications**

### **IV.2. Project Narrative**

#### **Project Narrative**

The Project Narrative must be double-spaced, on 8 ½" x 11" paper with 1" margins on both sides, and a font size of not less than 11. You can use smaller font sizes to fill in the Standard Forms and Sample Formats. The suggested length for the Project Narrative is ten to twenty pages; twenty pages is the maximum length allowed. ACL will not accept applications with a Project Narrative that exceeds 20 pages. The Project Work Plan, Letters of Commitment, and Vitae of Key Personnel are not counted as part of the Project Narrative for purposes of the 20-page limit, but all of the other sections noted below are included in the limit.

The components of the Project Narrative counted as part of the 20 page limit include:

Summary/Abstract

Problem Statement

Goal(s) and Objective(s)

Proposed Intervention

Special Target Populations and Organizations

Outcomes

Project Management

Evaluation

Dissemination

Organizational Capability

The Project Narrative is the most important part of the application, since it will be used as the primary basis to determine whether or not your project meets the minimum requirements for grants issued by the Administration for Community Living. The Project Narrative should provide a clear and concise description of your project.

#### **Summary/Abstract**

This section should include a brief - no more than 265 words maximum - description of the proposed project, including: goal(s), objectives, outcomes, and products to be developed. (Please reference the summary/abstract template included under the Downloads for this Funding Opportunity Announcement as posted at [http://www.acl.gov/Funding\\_Opportunities/Announcements/Index.aspx](http://www.acl.gov/Funding_Opportunities/Announcements/Index.aspx)).

### **Problem Statement**

This section should describe, in both quantitative and qualitative terms, the nature and scope of the particular problem or issue the proposed intervention is designed to address, including how the project will potentially affect the elderly population and/or their caregivers (including specific subgroups within those populations), and possibly the health care and social services systems (e.g., the use of health care and/or nursing home services.)

### **Goal(s) and Objective(s)**

This section should consist of a description of the project's goal(s) and major objectives. Unless the project involves multiple, complex interventions, we recommend you have only one overall goal.

### **Proposed Intervention**

This section should provide a clear and concise description of the intervention you are proposing to use to address the problem described in the "Problem Statement". You should also describe the rationale for using the particular intervention, including factors such as: "lessons learned" for similar projects previously tested in your community, or in other areas of the country; factors in the larger environment that have created the "right conditions" for the intervention (e.g., existing social, economic or political factors that you'll be able to take advantage of, etc.). Also note any major barriers you anticipate encountering, and how your project will be able to overcome those barriers. Be sure to describe the role and makeup of any strategic partnerships you plan to involve in implementing the intervention, including other organizations, supporters, and/or consumer groups.

### **Special Target Populations and Organizations**

This section should describe how you plan to involve community-based organizations in a meaningful way in the planning and implementation of the proposal project. This section should also describe how the proposed intervention will target disadvantaged populations, including limited-English speaking populations.

### **Outcomes**

This section of the project narrative must clearly identify the measurable outcome(s) that will result from the project. (NOTE: ACL will not fund any project that does not include measurable outcomes). This section should also describe how the project's findings might benefit the field at large, (e.g., how the findings could help other organizations throughout the nation to address the same or similar problems.) List measurable outcomes in the work plan grid under "Measurable Outcomes" in addition to any discussion included in the narrative along with a description of how the project might benefit the field at large (Please reference the optional Sample Work Plan Template included under the Downloads for this Funding Opportunity Announcement as posted



at [http://www.acl.gov/Funding\\_Opportunities/Announcements/Index.aspx](http://www.acl.gov/Funding_Opportunities/Announcements/Index.aspx))

A “measurable outcome” is an observable end-result that describes how a particular intervention benefits consumers. It demonstrates the functional status, mental well-being, knowledge, skill, attitude, awareness or behavior.) It can also describe a change in the degree to which consumers exercise choice over the types of services they receive, or whether they are satisfied with the way a service is delivered. Additional examples include: a change in the responsiveness or cost-effectiveness of a service delivery system; a new model of support or care that can be replicated in the aging network; new knowledge that can contribute to the field of aging; a measurable increase in community awareness; or a measurable increase in persons receiving services. A measurable outcome is not a measurable “output”, such as: the number of clients served; the number of training sessions held; or the number of service units provided.

You should keep the focus of this section on describing what outcome(s) will be produced by the project. You should use the Evaluation section noted below to describe how the outcome(s) will be measured and reported.

Your application will be scored on the clarity and nature of your proposed outcomes, not on the number of outcomes cited. It is totally appropriate for a project to have only ONE outcome that it is trying to achieve through the intervention reflected in the project’s design.

### **Project Management**

This section should include a clear delineation of the roles and responsibilities of project staff, consultants and partner organizations, and how they will contribute to achieving the project’s objectives and outcomes. It should specify who would have day-to-day responsibility for key tasks such as: leadership of project; monitoring the project’s on-going progress, preparation of reports; communications with other partners and ACL. It should also describe the approach that will be used to monitor and track progress on the project’s tasks and objectives.

### **Evaluation**

This section should describe the method(s), techniques and tools that will be used to: 1) determine whether or not the proposed intervention achieved its anticipated outcome(s), and 2) document the “lessons learned” – both positive and negative - from the project that will be useful to people interested in replicating the intervention, if it proves successful.

### **Dissemination**

This section should describe the method that will be used to disseminate the project’s results and findings in a timely manner and in easily understandable formats, to parties who might be interested in using the results of the project to inform practice, service delivery, program development, and/or policy-making, including and especially those parties who would be interested in replicating the project.

### Organization Capability

Each application should include an organizational capability statement and vitae for key project personnel. The organizational capability statement should describe how the applicant agency (or the particular division of a larger agency which will have responsibility for this project) is organized, the nature and scope of its work and/or the capabilities it possesses. It should also include the organization's capability to sustain some or all project activities after Federal financial assistance has ended.

This description should cover capabilities of the applicant agency not included in the program narrative, such as any current or previous relevant experience and/or the record of the project team in preparing cogent and useful reports, publications, and other products. If appropriate, include an organization chart showing the relationship of the project to the current organization. Please attach short vitae for key project staff only. Neither vitas nor an organizational chart will count towards the narrative page limit. Also include information about any contractual organization(s) that will have a significant role(s) in implementing project and achieving project goals.

### Budget Narrative/Justification

Applicants requesting funding for a multi-year grant program are REQUIRED to provide a detailed Budget Narrative/Justification for EACH potential year of grant funding requested.

### Electronic Submission via [www.Grants.gov](http://www.Grants.gov)

- Additional guidance on the submission of electronic applications can be found at [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
- If applicants encounter any technical difficulties in using [www.Grants.gov](http://www.Grants.gov), contact the Grants.gov Contact Center at: 1-800-518-4726, or by email at [support@grants.gov](mailto:support@grants.gov), to report the problem and obtain assistance. Hours of Operation: 24 hours a day, 7 days a week. The Grants.gov Contact Center is closed on federal holidays.
- Applicants should always retain Grants.gov Contact Center service ticket number(s) as they may be needed for future reference.
- **Contact with the Grants.gov Contact Center prior to the listed application due date and time does not ensure acceptance of an application. If difficulties are encountered, the Grants Management Officer listed in *Section VII. Agency Contacts* will determine whether the submission issues are due to Grants.gov system errors or user error.**

### IV.3. Submission Dates and Times

Due Date for Applications: **05/28/2013**

## Explanation of Due Dates

The due date for receipt of applications is listed in the *Overview* section and in this section. See *Section III.3. Application Disqualification Factors*.

## Electronic Applications

The deadline for submission of electronic applications via [www.Grants.gov](http://www.Grants.gov) is 11:59 p.m., ET, on the due date. Electronic applications submitted at 12:00 a.m., ET, on the day after the due date will be considered late and will be disqualified from competitive review and from funding under this announcement.

Applications that fail to meet the application due date will not be reviewed and will receive no further consideration. You are strongly encouraged to submit your application a minimum of 3-5 days prior to the application closing date. Do not wait until the last day in the event you encounter technical difficulties, either on your end or, with <http://www.grants.gov>. Grants.gov can take up to 48 hours to notify you of a successful submission.

Applicants are required to submit their applications electronically via [www.Grants.gov](http://www.Grants.gov) unless they received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission*.

The agency does not accommodate transmission of applications by email or facsimile.

Instructions for electronic submission via [www.Grants.gov](http://www.Grants.gov) are available at [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp).

### Please note:

Applications submitted to [www.Grants.gov](http://www.Grants.gov) at any time during the open application period, and prior to the due date and time that fail the Grants.gov validation check will not be received at ACL. **These applications will not be acknowledged.** Applications that fail the Grants.gov validation check will not be transmitted to ACL though they may have been submitted on time.

Each time an application is submitted via [www.Grants.gov](http://www.Grants.gov), the application will receive a new date and time-stamp. Only those applications with date and time-stamps that result in a validated application, which is transmitted to ACL, will be acknowledged.

## Extensions and/or Waiving Due Date and Receipt Time Requirements

ACL may extend an application due date and receipt time when circumstances make it impossible for applicants to submit their applications on time. These events include natural disasters (floods, hurricanes, tornados, etc.), or when there are widespread disruptions of electrical service, or mail service, or in other rare cases. The determination to extend or waive due date and/or receipt time requirements rests with the Grants Management Officer

listed as the Office of Grants Management Contact in *Section VII. Agency Contacts*.

#### **Acknowledgement from [www.Grants.gov](http://www.Grants.gov) of an electronic application's submission:**

Applicants will receive an initial email upon submission of their application to [www.Grants.gov](http://www.Grants.gov). This email will provide a **Grants.gov Tracking Number**. Applicants should refer to this tracking number in all communication with Grants.gov. The email will also provide a **date and time stamp**, which serves as the official record of the application's submission. The date and time-stamp must reflect a submission time on, or before, 11:59 p.m., ET, on the application due date. Receipt of this email does not indicate that the application is accepted or that it has passed the validation check.

Each time an application is submitted, or resubmitted, via [www.Grants.gov](http://www.Grants.gov), the application will receive a new date and time-stamp. Only those applications with on-time date and time-stamps that result in a validated application, which is transmitted to ACL, will be acknowledged.

Applicants will be provided with an acknowledgement from [www.Grants.gov](http://www.Grants.gov) that the submitted application package has passed, or failed, a series of checks and validations. Applications that are submitted on time that fail the validation check will not be transmitted to ACL and will not be acknowledged.

See "[What to Expect After Submitting](#)" at [www.Grants.gov](http://www.Grants.gov) for more information.

#### **IV.4. Intergovernmental Review of Federal Programs**

This program is not subject to Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," or 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." No action is required of applicants under this announcement with regard to E.O. 12372.

#### **IV.5. Funding Restrictions**

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are considered unallowable costs under grants or cooperative agreements awarded under this funding opportunity announcement.

#### **IV.6. Other Submission Requirements**

##### **Electronic Submission**

See *Section IV.2* for application requirements and for guidance when submitting applications electronically via <http://www.Grants.gov>.

For all submissions, see *Section IV.3* for information on due dates and times.

## V. Application Review Information

### V.1. Criteria

Applications competing for financial assistance will be reviewed and evaluated using the criteria described in this section. The corresponding point values indicate the relative importance placed on each review criterion. Points will be allocated based on the extent to which the application proposal addresses each of the criteria listed. Applicants should address these criteria in their application materials, particularly in the project description and budget justification, as they are the basis upon which competing applications will be judged during the objective review. The required elements of the project description and budget justification may be found in *Section IV.2* of this announcement.

Grants will be awarded to applicants who best demonstrate in their proposal a comprehensive and detailed systematic approach, work plan, and organizational capacity that will drive the continued evolution of legal service delivery systems implemented under Model Approaches- Phase I towards a Model Approaches- Phase II legal service delivery system that promotes enhanced levels of overall legal service delivery capacity and accessibility; seamless systemic integration of vital low cost legal service delivery mechanisms; precision in the targeting and outreach of older adults in the greatest social or economic need; responsiveness to legal issues emerging from elder abuse, neglect, and financial exploitation; expanded knowledge and expertise of aging and legal service providers; and measurable legal program results that demonstrate a tangible impact on the independence, health, and financial security of older adults. Applicants must also demonstrate that the State Legal Assistance Developer will be strategically and actively involved throughout the project.

Applications are scored by assigning a maximum of 100 points across five broad criteria:

- 1. Project Relevance and Current Need – (10 points)**
- 2. Approach – (50 points)**
- 3. Budget – (10 points)**
- 4. Project Impact – (15 points)**
- 5. Organizational Capacity – (15 points)**

Project Relevance and Current Need	Maximum Points:
a. Relevance/Responsiveness: (3 Points)	10
i. Does the proposed project clearly identify and adequately respond to the broad purpose of the funding opportunity and the goal/objectives as described in the funding opportunity related to the creation of a Model Approaches- Phase II legal service delivery system?	
b. Problem Statement and Need for Assistance: (7 Points)	

- i. Does the proposal demonstrate a solid understanding of the nature and scope of the identified problems and challenges; the emerging priority legal issues impacting older persons in the most social or economic need; and the wide range of legal issues arising from cases of elder abuse, neglect, and financial exploitation?
- ii. Does the proposal identify gaps/weaknesses in the current legal service delivery system inhibiting or limiting legal service delivery capacity and overall accessibility? Does the proposal describe previous experience with the development and implementation of the Model Approaches - Phase I legal service delivery system and its current systems design, level of implementation, and overall sustainability?
- iii. Does the proposal describe how addressing/resolving identified problems /challenges and successfully implementing a Model Approaches Phase II legal service delivery system will beneficially impact older persons/persons with disabilities (particularly those in greatest social or economic need), and their ability to receive long term services and supports in home and community based settings?
- iv. Does the proposal reflect familiarity with the history, current status, and policy considerations bearing on the creation of a Model Approaches - Phase I and II legal service delivery system?

#### Approach

**Maximum Points:**  
**50**

#### a. Approach to Addressing the Stated Need and Achieving Goal/Objectives: **(30 points)**

- i. Is the overall approach/intervention described clearly and concisely in the Project Narrative; is a rationale provided for choosing the particular approach; and is the approach strategically designed to address the stated need/problem and achieve the identified goal/objectives/outcome(s)?

Does the proposal describe how each project objective and associated outcome(s) will be achieved, including:

*Completing a Legal Systems Capacity Assessment.* Does the proposal describe plans to assess the capacity of the state's current legal service delivery system and its core components (for example, Title III-B programs, pro-bono volunteers, law school clinics, and SLHs), including the interrelationships and levels of integration between and among those components; the types of legal issues currently handled by various providers within the current delivery system; the levels of service provided in different case categories; the methods used for targeting and outreach; a demographic profile of the types of clients served; the existing service delivery gaps in types of legal cases handled; the geographic areas covered, and overall legal service accessibility? Does the proposal describe plans to assess the existing leadership capacity, funding levels, and the extent of ongoing coordination of various components of the core legal service delivery system provided by the aging service delivery system (e.g. State Unit on Aging, designated LAD, and AAAs)? Does the proposal describe plans for the capacity assessment to include recommendations for addressing identified systemic weaknesses and taking concrete steps to address critical legal needs during and after the project period? Does the proposal

describe the role of the LAD in conducting the systems wide capacity assessment and finalizing a legal needs and capacity report with concrete and actionable recommendations?

*Integrating Low Cost Mechanisms into Legal Service Delivery System:* Does the proposal describe plans to develop, enhance, and sustain a well integrated and cost effective legal service delivery system that effectively leverages and calibrates low cost service delivery mechanisms (i.e. SLHs, pro-bono volunteer attorneys, law school clinics, reduced fee panels etc...) to be optimally responsive to priority legal issues, including complex issues emerging from cases of elder abuse, neglect, and financial exploitation? Does the proposal describe plans to allocate no less than \$75,000, and no more than \$85,000, of grant funding per project year to the support of SLHs in their efforts to respond to priority legal issues impacting older persons most in need, including legal issues arising from elder abuse, neglect, and financial exploitation? Does the proposal describe the role of the LAD in leading the sustainable integration of low cost mechanisms (including SLHs calibrated to respond to elder abuse/neglect/exploitation) into the broad tapestry of legal service delivery?

*Completing Legal Service Delivery Standards/Guidelines:* Does the proposal describe plans to develop and fully implement legal service delivery standards/guidelines by the end of the second project year? Does the proposal describe plans to convene a group of key stakeholders from aging/disability, legal, and elder abuse prevention networks to develop, implement, or revise legal standards/guidelines? Does the proposal describe plans to involve key stakeholders in the input and drafting process, such as SUA, LADs, AAA/ADRCs, SLHs, APS, LTC Ombudsman, and other entities within aging/disability/legal networks that can inform and advance the development of legal standards/guidelines and/or will be impacted by their implementation? If legal standards/guidelines were previously developed and implemented during Model Approaches - Phase I, does the proposal reference and describe the existing standards/guidelines? Does the proposal describe plans to review current legal standards/guidelines to determine if they adequately address systemic responses to legal problems emerging from elder abuse, neglect, and financial exploitation? Does the proposal describe the role of the LAD in leading the development and implementation of legal standards/guidelines?

*Developing a Statewide Legal Data Collection and Reporting System:* Does the proposal describe plans to begin the development of statewide legal data collection and reporting system that measures program outcomes and demonstrates the beneficial impact legal services have on the independence, health, and financial security of older adults? Does the proposal describe the creation of a substantive and procedural framework for the development and implementation of a uniform statewide legal data collection and reporting system? Does the substantive and procedural framework include the identification of stakeholders to be involved in the development and implementation process; the estimation of resources necessary to develop a legal data collection/ reporting system; and the anticipated challenges in the development of the legal data collection/reporting system? Does the proposal describe the intent to create a statewide legal data collection plan? Does the proposal describe a commitment to research and consult with other states that have successfully implemented a legal data

collection/reporting system? Does the proposal describe a commitment to seek assistance from the NLRC and other appropriate experts on the development and implementation of the legal data collection/reporting system? Does the proposal describe a commitment to coordinate development efforts with national initiatives developing legal data collection and reporting guidelines?

*Create Partnerships with Aging/Disability and Elder Rights Networks:* Does the proposal describe plans to form partnerships/collaborations with aging/disability organizations, organizations involved in guardianship conservatorship, and elder rights organizations involved in responses to elder abuse, neglect, and financial exploitation, that must include AAA/ADRCS, entities administering Alzheimer's programs (which may include AAAs/ADRCs), state courts or other entities involved in overseeing guardianships/conservatorships, APS, and LTC Ombudsman program? Does the proposal describe plans to form partnerships/collaborations with entities that may include P&A entities, tribal organizations (state and federally recognized tribes), legal-medical partnerships, SSA representative payee programs, financial institutions, and other entities that have a role in ensuring the independence, health, and financial security of older adults? Does the proposal include an identification of prospective partners; the anticipated substantive scope and range of collaborative activities associated with partnerships; timetables for formation of partnerships, the amount of project funds to be expended on advancing goals and objectives of partnerships, if applicable; and the role of the LAD in negotiating and formalizing the partnerships? Does the proposal describe plans to develop formalized memorandums of agreement, contracts/sub-grants, or other formal protocols of cooperation/collaboration, as appropriate, to formalize the commitment of partnering entities to jointly achieve identified objectives? Does the proposal include letters of commitment from prospective partners?

*Establish a Statewide Legal Training Agenda:* Does the proposal describe plans to develop and implement a statewide legal training agenda focusing on priority legal issues under 307(a) (11) (E) of the OAA (including elder abuse, neglect, and financial exploitation), which may involve AAA/ADRCs, Title III-B legal providers, P&A entities, SLHs, APS, LTC Ombudsman, state courts, regional SSA offices, and other entities that have a role in protecting vulnerable older adults and people with disabilities? Does the proposal describe plans to develop and implement a comprehensive statewide training agenda that provides a description of: (i) the role of the LAD in developing and implementing the training agenda; (ii) the process of gathering input from stakeholders in developing the training agenda; (iii) the priority legal issues to be trained on, including legal issues emerging from elder abuse, neglect, and financial exploitation; (iv) the audiences to receive legal training on priority issues; (v) the anticipated venues, forums, and timetables for training events; and (vi) the methods anticipated to measure the quality, usefulness, and outcomes of the training events? Does the proposal describe the potential interface of the statewide legal training agenda with provisions of state and area plans? Does the proposal describe the role of the NLRC in supporting the implementation of a statewide legal training agenda?

(Note: This section is supplemented substantially in the Work Plan/Timeline Chart where specific tasks grantee will be undertaking are further delineated.)



*ii.* Are the tasks/ activities outlined in the Work Plan/Timeline Chart clear and comprehensive; are they directly linked to the overall approach; and do they reflect a coherent and feasible approach for successfully addressing the stated need/problem and achieving the identified goal/objectives/outcome(s)?

*iii.* Do the overall approach and activities describe a comprehensive plan that can be expected to result in a Model Approaches - Phase II legal service delivery system that promotes enhanced levels of overall legal service delivery capacity and accessibility; seamless systemic integration of vital low cost legal service delivery mechanisms; precision in the targeting and outreach of older adults in the greatest social or economic need; responsiveness to legal issues emerging from elder abuse, neglect, and financial exploitation; expanded knowledge and expertise of aging and legal service providers; implementation of legal service delivery standards/guidelines; and measurable legal program results that demonstrate a tangible impact on the independence, health, and financial security of older adults?

*iv.* Does the overall approach and specific tasks/activities in the Work Plan/Timeline:

- Take into account anticipated challenges or barriers, and identify plans for addressing the challenges and overcoming barriers?
- Recognize particular strengths/opportunities, and identify plans to build on those strengths/opportunities?
- Recognize and incorporate key partners necessary to successfully address the need and achieve goal & objectives?

**b. Approach to Targeting Special Populations: (10 Points)**

*i.* Do the approach and activities identify and prioritize particular groups of socially or economically needy older persons within the state or regions of the state to be targeted under the proposed project and substantiate their need for increased access to legal assistance services?

*iii.* Does the proposal identify well-defined outreach, priority setting and other targeting techniques and service delivery strategies for reaching and serving hard-to-reach, target populations such as isolated rural, low-income, racial/ethnic minorities or limited-English speaking seniors?

*iv.* Does the proposal describe the intent to create a strategic outreach/targeting plan (to be completed in the first year of the project) that incorporates the input of key stakeholders with knowledge and expertise in reaching specific target populations under the OAA?

*v.* Does the proposal describe the intent to create a strategic outreach/targeting plan that accurately assesses where the targeted groups are generally located, analyzes how to best communicate the availability of legal services to those target groups, and develops techniques which are most likely to encourage participation in the legal services offered? Will the proposed strategic outreach/targeting plan coordinate with existing outreach/targeting initiatives currently advanced by aging/disability service delivery systems?

*vi.* Does the proposal clearly describe how a Model Approaches Phase II legal service

delivery system will enhance access for, and services to, target populations to meet their most critical legal needs? Are the proposed targeting and outreach strategies innovative, cost-effective, and appropriate to specific targeted groups? Does the proposal describe the use of GIS mapping to identify the geographic location of target populations and potential gaps in legal service delivery to those populations? Does the proposal describe the role of the LAD in leading the development and implementation of a strategic outreach/targeting plan? Does the proposal describe the potential interface of the strategic outreach/targeting plan with provisions of state and area plans?

**c. Approach to Project Management: (10 Points)**

*i.* Is the overall management plan as described in the project narrative and detailed in the Work Plan/Timeline clearly described, comprehensive, and strategically designed to achieve the project goal/objectives/outcomes?

*ii.* Does the management plan assign and describe the LAD's central role in developing a Model Approaches Phase II legal service delivery system that ensures the integration of various components of the legal service delivery systems—including SLHs and other low-cost mechanisms—into an overall state legal service delivery system that enhances access, maximizes available legal resources within the state, and ensures that limited legal resources are effectively targeted to those in the greatest need of assistance? Does the management plan assign and describe the LAD's central role in leading all objectives of the Model Approaches Phase II legal service delivery system as described in the FOA?

*iii.* Are roles and responsibilities of the project team (staff, key partner organizations, consultants, sub-contractors, sub-grantees) including the LAD, clearly delineated and linked to achieving project goal, objectives, and outcomes?

*iv.* Are responsibilities for key management tasks (e.g. project leadership, evaluation/monitoring ongoing progress, preparation of reports with appropriate outcomes documentation, and communications with partners and ACL delineated?

*v.* Are time-frames for accomplishing tasks sensible and feasible and are tasks separated out for years 1, 2, and 3? Are there stated time-frames for the completion of the capacity assessment and needs/capacity report with actionable recommendations; strategic outreach/targeting plan; statewide legal training agenda; legal standards/guidelines; and the statewide legal data collection plan consistent with those set forth in the FOA?

*vi.* Does the management plan include a description of how previously unidentified aging network, federal, state, and community-based organizations which may be important to the project will be identified and how their collaboration will be obtained?

*vii.* Are letters of commitment included from all key project partners/stakeholders/collaborating agencies named as having a significant role in carrying out the project? Do the letters describe the nature and extent of the involvement of the partners/collaborating agencies? Do they express a clear commitment to their areas of responsibility consistent with the work plan in the project, and specific activities they are committed to undertaking?

*viii.* Is there a letter of commitment from the director of the state unit on aging that clearly delineates the state unit's support of the application and the role and responsibility

of the state unit and the LAD in support of this effort?

### Budget

Maximum Points:

10

a. Overall Budget & Level of Effort: **(5 Points)**

- i. Is the overall budget (federal and match) adequate in terms of the level of effort needed by the applicant organization and key partners to carry out the project successfully?
- ii. Is the proposed budget cost-effective and pragmatically efficient, maximizing Federal and all other resources?

b. Budget Justification Narrative: **(5 Points)**

*Note:* Because non-Federal reviewers will be used in reviewing Model Approaches proposals, applicants have the option of omitting from the Budget Justification Narrative specific salary rates or amounts for individuals specified in the budget. Social Security Numbers should **not** be included in proposals.

- i. Is the time budgeted/level of effort (federal and match) for the LAD reflective of the LAD's central role in developing a Model Approaches Phase II legal service delivery system that is well integrated, targeted, measurable, and responsive to abuse, neglect, and financial exploitation? Is the time budgeted/level of effort (federal and match) for the LAD reflective of the LAD's central role in leading the implementation of the seven (7) major objectives associated with developing a Model Approaches Phase II legal service delivery system?
- ii. Is the time budgeted/level of effort (federal and match) for the proposed project director, project staff and other key project personnel appropriate and adequate to carry out the project and sufficient to assure proper direction, management, and timely completion of the project?
- iii. Are budget items justified both with respect to adequacy for completing tasks and reasonableness of resources requested?
- iv. Are budget items in the budget justification clearly delineated and consistent with project objectives, overall approach, and specific tasks/activities? Is no less than \$75,000, and no more than \$85,000, of federal funding designated to a SLH that is positioned and calibrated to be responsive to legal issues emerging from elder abuse, neglect, and financial exploitation?
- v. Is travel/ registration budgeted each year for the LAD and one key partner staff person to participate in conferences and training as deemed necessary by the ACL Project Officer to advance the goal and objectives of the project? (e.g. NALI, NALSD, etc )
- vi. Are funds to be expended in the formation of partnership/collaborations as part of the Model Approaches Phase II delivery sytem clearly itemized, delineated, and explained?

### Project Impact

Maximum Points:

15

a. Overall Impact **(2 Points)**

- i. Does the proposal describe the expected overall impact of the Project, and are the results/benefits clear, realistic and consistent with the project goal and objectives?
- ii. Does the proposal describe how anticipated project results/products/outcomes will significantly benefit older persons whom the project is designed to benefit, including maintaining their independence, health, and financial security in home and community based settings?
- iii. Does the proposal describe how anticipated project results/products/outcomes will benefit the field of aging as a whole?
- iv. Does the proposal describe how anticipated project results/products/outcomes will enhance responses to legal issues emerging from cases of elder abuse, neglect, and financial exploitation?

b. Outcomes: **(5 Points)**

- i. Does the plan describe a Model Approaches - Phase II legal service delivery system that will result in measurable improvements in statewide legal service delivery for older persons most in need that are experiencing challenges on priority legal issues?
- ii. Are the anticipated outcome(s) as described in the project narrative and work plan likely to be achieved and are they directly linked to the ACL goal/objectives in the funding opportunity?
- ii. Does the proposal include a plan for qualitative and/or quantitative methods necessary to reliably measure project outcome(s) consistent with the definition of a project outcome contained in this FOA?
- iv. At a minimum, does the proposal describe achievable and measurable outcome(s) for each objective under Model Approaches - Phase II, as follows:

*Systemic Outcome(s) - Legal Capacity Assessment:* The systemic outcome of a statewide legal capacity assessment should be documented by the completion of a legal needs and capacity report setting forth reasonable and achievable recommendations for addressing identified legal service delivery gaps and challenges. In addition to other high priority legal issue areas, the legal needs and systems capacity report should include recommendation(s) to improve statewide service delivery on legal issues emerging from cases of elder abuse, neglect, and financial exploitation. Recommendations from the legal needs/capacity report that are demonstrably implemented during the project period should also be designated as systemic outcomes.

*Systemic Outcome(s) - Integrated Low Cost Mechanisms.* The systemic and direct service delivery outcomes produced by integrated low cost mechanisms (i.e. SLHs, pro-bono volunteer attorneys, law school clinics, reduced fee panels etc...) will be documented by the collection and voluntary reporting of data on the number of clients served in target groups, legal case types addressed, level of service provided, and overall service delivery impact. Service delivery impact includes measurable increases in overall statewide legal service delivery capacity and expanded access to legal services that address priority issues for older persons, particularly for those in greatest social or economic need.

Impact also includes the measurable effect that legal services provided through low cost mechanism(s) have on the independence, health, and financial security of older persons, including the impact of assistance provided in cases of elder abuse, neglect, and financial exploitation.

(Note: SLH may use the reporting guidelines developed in 2010 to aid in the documentation of outcomes)

*Systemic Outcome(s) - Outreach and Targeting Strategies/Techniques:* The systemic outcome(s) of strategic outreach/targeting activities should be documented by (1) a completed strategic outreach/targeting plan as describe in the funding opportunity, (2) documented outreach activities that involve on-site legal service delivery intake or direct provision of legal advice; and (3) data collected and compiled on target groups reached and provided with priority legal service, and the impact/results achieved.

*Systemic Outcome(s) - Legal Service Delivery Standards/Guidelines:* The systemic outcome(s) of legal service delivery standards/guidelines may be documented by (1) completing legal standards/guidelines as describe in the FOA, and (2) using legal standards/guidelines to define targeting and outreach objectives; achieve greater overall understanding of legal issue priorities under the OAA; guide the structure and substantive content of providers contracts; achieve greater statewide emphasis on legal responses to elder abuse, neglect, and financial exploitation; and provide the foundation for a statewide legal data collection and reporting system.

*Systemic Outcome(s) - Statewide Legal Data Collection and Reporting System:* The systemic outcome(s) for the development of a framework for a uniform legal data collection and reporting system should be documented by a completed statewide legal data collection plan as described in the FOA. Demonstrated progress towards the implementation of a legal data collection/reporting system could also represent a systemic outcome.

*Systemic Outcome(s): Partnerships with Aging/Disability and Elder Rights Networks:* The systemic outcome(s) for the development of partnerships with aging/disability and elder rights networks may be documented by the completion of formalized memorandums of agreement, contracts/grants, or other formal protocols of cooperation/collaboration demonstrating the commitment of partnering entities to jointly achieve identified goals/objectives. Each partnership with entities enumerated under the FOA that are formalized and documented under Model Approaches - Phase II may contain its own underlying set of anticipated outcomes for specified activities.

*Systemic Outcome(s): Partnerships with entities involved in Guardianship/Conservatorship:* The systemic outcome(s) for the development of partnerships with entities involved in overseeing Guardianship/Conservatorship should be documented by the completion of formalized memorandums of agreement, contracts/grants, or other formal protocols of cooperation/collaboration demonstrating the commitment of partnering entities to effectively respond to abuse, neglect, and financial exploitation perpetrated by Guardians/Conservators and other surrogate decision makers. In addition, data collected illustrating the number of elderly and/or disabled persons under guardianship/conservatorship receiving assistance in resolving legal problems

related to elder abuse, neglect, and financial exploitation (or other legal problem areas) as a result of the formalized partnership may represent a systemic outcome.

*Systemic Outcome(s): Statewide Legal Training Agenda:* The systemic outcome(s) for statewide legal training activities on priority legal issues should be documented by (1) a completed statewide legal training agenda as described in the FOA; (2) information on the number of training events held and participation levels; and (3) information regarding the quality, usefulness, and impact of the training events gathered through a formalized participant survey process.

c. Evaluation: **(3 Points)**

- i. Does the project evaluation plan reflect thoughtful and well-designed methods and techniques (including any current and/or anticipated data collection system(s)) that will be able to successfully measure whether or not the project has achieved its proposed goal, objectives, and outcome(s)?
- ii. Does the evaluation plan include the qualitative and/or quantitative methods necessary to reliably measure outcomes under each project objective?
- iii. Is the evaluation also designed to capture “lessons learned” from the overall effort that might be of use to others in the field, especially those who might be interested in replicating the project?
- iv. Does the evaluation plan include methods to assess ongoing progress of project activities and achievements against goal/objectives and the proposed Approach/Work Plan/Timeline and the need to re-assess, as necessary, aspects of the approach/work plan to better achieve the project goal and objectives?
- v. Does the evaluation plan include methods to assess ongoing progress of project activities and associated outcomes under partnerships established within the Model Approaches - Phase II legal service delivery system?
- vi. Does the evaluation plan describe the role of the LAD in the evaluating the outcome and impact of the Model Approaches Phase II legal service delivery system?

d. Dissemination: **(2 Points)**

- i. Will the planned dissemination of project results, findings, lessons learned, and products make relevant and easy to use information available to all appropriate audiences (particularly to those who might want to replicate the project in whole or in part) to inform practice, service delivery, program development, and/or policy making?
- ii. Does the proposal adequately describe planned methods of dissemination (e.g. conferences, reports/publications, via the NLRC, etc.)?

e. Sustainability: **(3 Points)**

- i. Is there a realistic plan to make concrete and proactive progress in securing alternate resources to continue some or all project activities after federal financial assistance has ended?
- ii. Does the proposal illustrate a commitment by the LAD to continue project activities, to the extent possible, after federal financial assistance has ended?

- iii.* Does the proposal describe how the partnerships formed under Model Approaches- Phase II contribute to overall project sustainability after federal financial assistance has ended?
- iv.* Does the proposal recognize the correlation between effective data collection on program impact/outcomes and the sustainability of vital legal service delivery components within Model Approaches- Phase II?
- v.* Does the overall proposal demonstrate the value of a Model Approaches - Phase II legal service delivery systems in advancing statewide elder abuse prevention and response efforts?
- vi.* Does the proposal demonstrate plans to periodically reconvene Stakeholders within the Model Approaches- Phase II legal service delivery system to discuss long term sustainability after federal financial assistance has ended?
- vii.* Does the proposal illustrate an understanding by the LAD of the importance of the state planning process in assuring project activities continue, to the extent possible, after federal financial assistance has ended

#### **Organizational Capacity**

**Maximum Points:**  
**15**

##### **a. Overall Capacity: (10 Points)**

- i.* Does the proposal clearly identify the overall capacity of the proposed project team (applicant organization and staff, key partner/stakeholder organizations and staff, consultants, subcontractors) to successfully undertake the proposed project and achieve the goal of creating a Model Approaches - Phase II legal service delivery system by successfully completing the seven (7) objectives outlined in the FOA?
- ii.* Has the applicant secured the involvement and provided letters of commitment from the partners/stakeholders/collaborators needed for the project to succeed?
- iii.* Does the proposal clearly identify the LAD as the project leader?

##### **b. Staff/Personnel Capacity: (5 Points)**

- i.* As reflected in the project narrative and brief vitae, do the proposed project director and key project personnel have the background, experience, skills and other qualifications needed to effectively carry out their designated roles?
- ii.* Does the project team have previous, successful experience working on similar projects including Model Approaches - Phase I?

#### **V.2. Review and Selection Process**

No grant award will be made under this announcement on the basis of an incomplete application. No grant award will be made to an applicant or sub-recipient that does not have active registration at [www.sam.gov](http://www.sam.gov).

#### **Initial Screening**

Each application will be screened to determine whether it meets one of the following disqualification criteria as described in *Section III.3. Application Disqualification Factors*:

- Applications that are designated as late according to *Section IV.3. Submission Dates and Times*,
- The Project Narrative section of the Application must be **double-spaced**, on 8 ½" x 11" plain white paper with **1" margins** on both sides, and a **font size of not less than 11**.
- **The Project Narrative must not exceed 20 pages.** NOTE: The Project Work Plan, Letters of Commitment, and Vitae of Key Project Personnel **are not counted** as part of the Project Narrative for purposes of the 20-page limit.

For those applications that have been disqualified under the initial screening, notice will be provided by postal mail or by email. See *Section IV.3. Explanation of Due Dates* for information on Grants.gov's and the Agency's acknowledgment of received applications.

### **Objective Review and Results**

Applications competing for financial assistance will be reviewed and evaluated by objective review panels using the criteria described in *Section V.1. Criteria* of this announcement. Each panel is composed of experts with knowledge and experience in the area under review. Generally, review panels include three reviewers and one chairperson.

Results of the competitive objective review are taken into consideration by the Agency in the selection of projects for funding; however, objective review scores and rankings are not binding. They are one element in the decision-making process.

The Agency may elect not to fund applicants with management or financial problems that would indicate an inability to successfully complete the proposed project. Applications may be funded in whole or in part. Successful applicants may be funded at an amount lower than that requested. The Agency reserves the right to consider preferences to fund organizations serving emerging, unserved, or under-served populations, including those populations located in pockets of poverty. The Agency will also consider the geographic distribution of Federal funds in its award decisions.

Final award decisions will be made by the Administrator for the Administration of Community Living, or designee. In making these decisions, the Administrator will take into consideration: recommendations of the review panel; reviews for programmatic and grants management compliance; the reasonableness of the estimated cost to the government considering the available funding and anticipated results; and the likelihood that the proposed project will result in the benefits expected.

### **Responsiveness Screening Criteria**

Applications that do not meet the responsiveness criteria below will be **administratively eliminated** and will **not be reviewed**.

*In order for an application to be reviewed, it must meet the following Responsiveness*



### *Screening requirements.*

1. The applicant must be the entity within an eligible state that currently houses the LAD.
2. The proposal must contain a detailed plan for direct and ongoing leadership involvement of the LAD in the design, implementation, evaluation, and sustainability of the Model Approaches - Phase II legal service delivery system.
3. The proposal must contain a detailed plan for direct and ongoing collaboration between the LAD, SLH, and other low-cost service delivery mechanisms, with a discussion of how this collaboration will be structured and accomplished.
4. Each proposal must contain a detailed plan for ongoing collaboration between the LAD and key partners and stakeholders involved in all aspects of project design, implementation, evaluation, and sustainability, including SLH, APS, LTC Ombudsman, State Courts, AAAs/ADRCs, and Alzheimer's organizations.

### **Approved but Unfunded Applications**

Applications recommended for approval that were not funded under the competition because of the lack of available funds may be held over by the Agency and reconsidered in a subsequent review cycle if a future competition under the program area is planned. These applications will be held over for a period of up to one year and will be re-competed for funding with all other competing applications in the next available review cycle. For those applications that have been deemed as approved but unfunded, notice will be given of such determination by postal mail.

### **V.3. Anticipated Announcement and Award Dates**

Announcement of awards and the disposition of applications will be provided to applicants at a later date.

## **VI. Award Administration Information**

### **VI.1. Award Notices**

Successful applicants will be notified through the issuance of a Notice of Award (NoA) that sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided (if applicable), and the total project period for which support is contemplated. The NoA will be signed by the Grants Officer and transmitted via postal mail, email, or current Grants Management System. Following the finalization of funding decisions, organizations whose applications will not be funded will be notified by letter signed by the cognizant Program Office. Any other correspondence that announces to a Principal Investigator, or a Project Director, that an application was selected is not an authorization to begin performance.

Project costs that are incurred prior to the receipt of the NoA are at the recipient's risk and may be reimbursed only to the extent that they are considered allowable as approved pre-award costs. Information on allowable pre-award costs and the time period under which they may be incurred is available in *Section IV.5. Funding Restrictions*.

## **VI.2. Administrative and National Policy Requirements**

Awards issued under this announcement are subject to the uniform administrative requirements and cost principles of 45 CFR. Part 74 (Awards And Subawards To Institutions Of Higher Education, Hospitals, Other Nonprofit Organizations, And Commercial Organizations) or 45 CFR. Part 92 (Grants And Cooperative Agreements To State, Local, And Tribal Governments). The Code of Federal Regulations (CFR) is available at <http://www.gpo.gov>.

An application funded with the release of Federal funds through a grant award does not constitute, or imply, compliance with Federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable Federal regulations.

The award is also subject to DHHS Administrative Requirements, which can be found in 45CFR Part 74 and 92 and the Standard Terms and Conditions, included in the Notice of Award as well as implemented through the HHS Grants Policy Statement located at <http://www.hhs.gov/grantsnet/adminis/gpd/index.htm>.

## **VI.3. Reporting**

Grantees under this funding opportunity announcement will be required to submit performance progress and financial reports periodically throughout the project period. The frequency of required reporting is listed later in this section. Final reports may be submitted in hard copy to the Grants Management Office Contact listed in *Section VII. Agency Contacts* of this announcement. Instructions on submission of reports electronically will be provided with award documents.

### **Performance Progress Reports (PPR)**

Notice of Award documents will inform grantees of the appropriate performance progress report form or format to use. Grantees should consult their Notice of Award documents to determine the appropriate performance progress report format required under their award. Performance progress reports are due 30 days after the end of the reporting period.

Final program performance reports are due 90 days after the close of the project period.

### **Federal Financial Reports (FFR)**

As of March 1, 2011, HHS began the transition from use of the SF-269, Financial Status Report (Short Form or Long Form) to the use of the SF-425 Federal Financial Report for expenditure reporting. SF-269s will no longer be accepted for expenditure reports due after that date. If an SF-269 is submitted, the Agency will return it and require the recipient to

complete the SF-425.

The transition strategy is allowing individual HHS Operating Divisions to select--from a limited number of options--the approach that best fits their programs and business process. This transition does not affect completion or submission of the cash reporting to the HHS Division of Payment Management's Payment Management System (PMS). The primary features of this transition for recipients are that OPDIVs that previously required electronic submission of the SF-269 will receive the SF-425 expenditure reports electronically and, until further notice, OPDIVs that have been receiving expenditure reports in hard copy will continue to do so.

All expenditure reports will be due on one of the standard due dates by which cash reporting is required to be submitted to PMS or at the end of a calendar quarter as determined by the Operating Division. As a result, a recipient that receives awards from more than one OPDIV may be subject to more than one approach, but will not be required to change its current means of submission or be subjected to more than eight standard due dates.

Beginning with budget periods which end from January 1 - March 31, 2011, and for all budget periods thereafter, all affected Agency grantees will be required to submit an SF-425 report as frequently as is required in the terms and conditions of their award using due dates for reports to PMS.

**For budget periods ending in the months of: The FFR (SF-425) is due on:**

January 01 through March 31	April 30
April 01 through June 30	July 30
July 01 through September 30	October 30
October 01 through December 31	January 30

Fillable versions of the SF-425 form in Adobe PDF and MS-Excel formats, along with instructions, are available at [http://www.whitehouse.gov/omb/grants\\_forms](http://www.whitehouse.gov/omb/grants_forms) and [www.forms.gov](http://www.forms.gov). Further instructions will be provided, as necessary, with award terms and conditions that will address specific reporting periods and due dates on an award-by-award basis.

For planning purposes, the Agency reporting periods for awards made under this announcement are as follows:

Program Progress Reports:	Semi-Annually
Financial Reports:	Annually

### **FFATA and FSRS Reporting**

The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Subaward Reporting System (<http://www.FSRS.gov>) for all sub-awards and sub-contracts issued for \$25,000 or more as well as addressing executive compensation for both grantee and sub-award organizations.

For further guidance please see the following link:

[http://www.aoa.gov/AoARoot/Grants/Reporting\\_Requirements/index.aspx](http://www.aoa.gov/AoARoot/Grants/Reporting_Requirements/index.aspx)

## **VII. Agency Contacts**

### **Program Office Contact**

Omar Valverde

ACL

AOA

, DC

Phone: (202) 357-3514

Email: [Omar.Valverde@acl.hhs.gov](mailto:Omar.Valverde@acl.hhs.gov)

### **Office of Grants Management Contact**

LaDeva Harris

ACL

OGM

, DC

Phone: (202) 357-3437

Email: [LaDeva.Harris@acl.hhs.gov](mailto:LaDeva.Harris@acl.hhs.gov)

### **Federal Relay Service:**

Hearing-impaired and speech-impaired callers may contact the Federal Relay Service for assistance at 1-800-877-8339 (TTY - Text Telephone or ASCII - American Standard Code For Information Interchange).

## **VIII. Other Information**

### **Reference Websites**

U.S. Department of Health and Human Services (HHS) on the Internet <http://www.hhs.gov/>.

Catalog of Federal Domestic Assistance (C.F.D.A.) <https://www.cfda.gov/>.

Code of Federal Regulations (C.F.R.) <http://www.gpo.gov>.

United States Code (U.S.C) <http://www.gpoaccess.gov/uscode/> .

Grants.gov Forms Repository webpage  
at [http://www.grants.gov/agencies/aforms\\_repository\\_information.jsp](http://www.grants.gov/agencies/aforms_repository_information.jsp).

Versions of other Standard Forms (SFs) are available on the Office of Management and Budget (OMB) Grants Management Forms web site at  
[http://www.whitehouse.gov/omb/grants\\_forms/](http://www.whitehouse.gov/omb/grants_forms/).

For information regarding accessibility issues, visit the Grants.gov Accessibility Compliance Page at [http://www07.grants.gov/aboutgrants/accessibility\\_compliance.jsp](http://www07.grants.gov/aboutgrants/accessibility_compliance.jsp).

Interested applicants should make note of the following interactive teleconference, scheduled for April 16, 2013, during which time there will be an opportunity to have questions answered.

**Teleconference for Applicants:**

**Date:** April 16th, 2013

**Time:** 2:00 PM Eastern

**Telephone Number:** 888-942-9717

**Participant Passcode:** MAPHASE2

## Application Checklist

What to Submit	Where Found	When to Submit
Work plan	Referenced in <i>Section IV.2. Project Narrative</i> . Please find the sample Work Plan Template included under the Downloads for this Funding Opportunity Announcement as posted at <a href="http://www.acl.gov/Funding_Opportunities/Announcements/Index.aspx">http://www.acl.gov/Funding_Opportunities/Announcements/Index.aspx</a>	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and Times</i> .

DUNS Number (Universal Identifier) and Systems for Award Management (SAM) registration.	Referenced in <i>Section III.3. Other</i> in the announcement. To obtain a DUNS number, go to <a href="http://fedgov.dnb.com/webform">http://fedgov.dnb.com/webform</a> . To register at SAM, go to <a href="http://www.sam.gov">http://www.sam.gov</a> .	A DUNS number and registration at SAM are required for all applicants. Active registration at SAM must be maintained throughout the application and project award period.
SF-424 - Application for Federal Assistance	Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications</i> . Found at the Grants.gov Forms Repository at <a href="http://www.grants.gov/agencies/aforms_repository_information.jsp">http://www.grants.gov/agencies/aforms_repository_information.jsp</a> .	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and Times</i> .
SF-424A - Budget Information - Non-Construction Programs and SF-424B - Assurances - Non-Construction Programs	Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications</i> .	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and Times</i> .
Certification Regarding Lobbying	Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications</i> .	Submission is due with the application package. If it is not submitted with the application package, it may also be submitted prior to the award of a grant.
The Project Description	Referenced in <i>Section IV.2. The Project Description</i> . This is the title for the project narrative that describes the applicant's plan for the project.	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and</i>

		<i>Times.</i>
The Project Budget and Budget Justification	Referenced in <i>Section IV.2. The Project Budget and Budget Justification</i> of the announcement.	Submission of the Project Budget is required on the appropriate Standard Form (424A or 424C). The Budget Justification is a separate document that may be no more than 10 pages and is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and Times.</i>
Project Summary/Abstract	Referenced in <i>Section IV.2. The Project Narrative</i> of the announcement.	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and Times.</i>
Commitment of Non-Federal Resources	Referenced in <i>Section IV.2. The Project Budget and Budget Justification.</i>	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.3. Submission Dates and Times.</i>